

Ordinance No: 480

THIS ORDINANCE SHALL PROVIDE FOR THE REGULATION OF CERTAIN ANIMALS IN THE CITY OF RAINBOW CITY AND SHALL PROVIDE FOR THE ADMINISTRATIVE HANDLING OF COMPLAINTS, HEARINGS AND THE GENERAL DISPOSITION OF ALL ASPECTS OF ANIMAL CONTROL ISSUES

ANIMAL CONTROL ORDINANCE FOR THE CITY OF RAINBOW CITY, ALABAMA

ARTICLE I. - IN GENERAL

ARTICLE II. - DANGEROUS ANIMALS AND AGGRESSIVE DOGS

ARTICLE III. - ANIMAL LICENSES AND PERMITS

ARTICLE IV. - RABIES CONTROL

ARTICLE V. - ANIMAL NUISANCES; IMPOUNDMENT

ARTICLE I. - IN GENERAL

Sec. 1-1. - Definitions.

Sec. 1-2. - Prohibiting sale of baby chicks, ducklings or other fowl and rabbits.

Sec. 1-3. - Cruelty to animals.

Sec. 1-4. - Killing animals in a public place.

Sec. 1-5. - Standard of care.

Sec. 1-6. - Ear cropping, tail docking, and declaw removal.

Sec. 1-7. - Reporting motor vehicle animal strikes.

Sec. 1-8. - Flooring standards for animal housing.

Sec. 1-9. - Prohibiting giving away animals as prizes or inducements.

Sec. 1-10. - Prohibiting selling, displaying animals on roadside, garage sales, flea markets and festivals.

Sec. 1-11. - Exposing animals to poisonous substances.

Sec. 1-12. - Traps with holding mechanisms prohibited; exceptions.

Sec. 1-13. - Animal traps without holding mechanism.

Sec. 1-14. - Safety of animals in motor vehicles.

Sec. 1-15. - Pet shop requirements.

Sec. 1-16. - Commercial boarding kennel.

Sec. 1-17. - Animal waste; sanitation standards.

Sec. 1-18. - Leash and pooper scooper required.

Sec. 1-19. - Fastening animals with rope or chain; choker collar.

Sec. 1-20. - Unlawful acts; criminal penalties; civil remedies.

Secs.1-21, 1-22. - Reserved.

Sec. 1-1.- Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Abandoned animal shall mean an animal abandoned while in the person's custody without making reasonable arrangements for assumption of custody by another person.

Animal shall mean any living vertebrate or invertebrate, domestic or wild, not including man.

Animal care services facility shall mean a facility operated by the City for the impoundment, care, disposition and/or adoption of animals.

Animal Control Officer shall mean a person designated by the City, who is qualified to perform such duties under the laws of this state and the ordinances of the City.

Animal determination hearing officer means the individual designated by the City to conduct administrative hearings to decide whether an animal is dangerous or aggressive

provided that such person shall not have participated in any investigation of facts regarding the alleged dangerous or aggressive animal or be in the chain of command of any such person.

Animal nuisance shall mean a public nuisance created within the City in violation of Article V.

Cat colony means a colony of free-roaming (homeless, stray, wild or untamed) cats that has been registered with the department and is maintained by a colony caretaker (who provides food, water and shelter) using trap, neuter and return methodology.

Commercial boarding kennel shall mean any place other than a veterinary hospital where the property owner, tenant, or occupant keeps or allows others to keep or board any domestic animal for a fee, donation or non-monetary reward.

Competition animal shall mean a cat or dog that is of a breed recognized by and registered with an approved breed registry and shows or competes in animal shows or other competition events sponsored by an approved breed registry.

Choker collar shall mean a length of chain or nylon cord or rope with rings at either end such that the collar can be formed into a loop around the animal's neck that slips (adjusts) tighter when pulled and slips looser when tension is released.

City shall mean the City of Rainbow City, Alabama.

Confined shall mean a situation by which an animal is effectively prevented from being free to roam or run at large at will.

Dangerous animal shall mean any animal who meets any or all of the criteria in Article II.

Dog shall mean any member of *Canis familiaris* or any combination of *Canis familiaris* and other canine species including both genders.

Domestic dog shall mean a member of *Canis familiaris* which is not a hybrid of *Canis familiaris* and another canine species.

Domestic animal shall mean any animal which is not prohibited, and commonly kept as pets at the owner's residence, including but not limited to domestic cats and dogs, domestic ferrets, rabbits, and domestic fowl.

Domestic cat shall mean any member of *Felis domesticus*.

Domestic fowl shall mean birds of a breed developed or kept for the purpose of meat production, egg laying or purely for ornament or show, including but not limited to ducks, geese, chickens, turkeys, partridges, parakeets and pigeons.

Enclosure means for purposes of dangerous dogs, a house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must also have minimum dimensions of eight (8) feet by fifteen (15) feet by six (6) feet in height. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the dangerous animal from escaping from the enclosure. The structure/pen shall provide protection from the elements for the dangerous animal. Notwithstanding the fence height restrictions of this definition, the animal control officer shall have the right to require that the fence be higher than six (6) feet or require a secure top and/or bottom be added to the structure/pen if the need is demonstrated. These additional requirements shall be based upon the type of animal to be kept in this enclosure and its anticipated ability to escape.

Grooming shop shall mean a commercial establishment (structure or vehicle) where animals are bathed, clipped, plucked or otherwise groomed.

Impound shall mean the placing of an animal in the City's animal care services facility, or, the taking into custody of an animal for purposes of transportation to the City's animal care services facility.

Keeper means any person, firm, corporation, organization or department holding, caring for, having an interest in, or having control or custody of an animal. If the keeper of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal care related ordinances.

License tag shall mean a metal tag bearing the animal license number.

Livestock shall mean any equine, hog, sheep, goat, llama, or any bovine species.

Non-domestic animal shall mean and includes all animals other than domestic cats and dogs, domestic ferrets, livestock, rabbits and domestic fowl.

Owner of an animal shall mean any person owning or having care, custody, possession or control of an animal. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.

Performing animal exhibition shall mean any spectacle, display, act or event, other than circuses and rodeos, in which performing animals are used.

Pet shall mean any animal kept for pleasure or enjoyment, rather than utility or commercial purposes.

Pet shop shall mean a business establishment, whether licensed or not by the department, where animals including, dogs, cats, fish, birds, reptiles, or rodents are kept for sale or commercial barter.

Puppy shall mean any member of *Canis familiaris* and other canine species including both genders four (4) months of age or under.

Quarantine shall mean the detention or isolation of an animal suspected of carrying an infectious or contagious disease.

Prohibited animals shall mean:

- (1) Any ape or other non-human primate;
- (2) Any member of the genus *Canis* including wolf, hybrid wolf, coyote, jackal or fox, and similar species except *Canis familiaris*;
- (3) Any member of the genus *Felis* including leopard, lion, panther, tiger, lynx, bobcat, cheetah, ocelot, margay, jaguarundi, and any similar species except *Felis domesticus*;
- (4) Mustelids; other than the domestic ferret (*Mustela putorius furo*);
- (5) Skunk;
- (6) Any poisonous reptile or venomous species except bees;
- (7) Crocodile, alligator, caiman or related species;
- (8) Miniature Vietnamese pot-bellied pig;
- (9) Ostrich or any other Ratites;
- (10) Bear; and
- (11) All other mammals that live in a natural state of undomesticated freedom including the opossum, raccoon, armadillo and squirrel.

Rabies vaccination shall mean a protective inoculation by a licensed veterinarian with a rabies vaccine recognized and approved by the United States Department of Agriculture given in an amount sufficient to provide an immunity that satisfies the requirement of state law.

Restraint shall mean a situation whereby an animal is secured by a tether, a leash or a lead, or is confined within the real property of its owner.

Responsible person shall mean a person to whose commands an animal in question is obedient, and who is capable of controlling the animal if the animal should fail to obey such commands.

Run at large shall mean to be free of restraint while outside the boundaries of the real property of the owner.

Severe injury means any physical injury that results in death, broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Shelter shall mean a structure with a roof and three (3) sides and a fourth side allowing access that is protected from the elements and a floor that is elevated enough to keep the shelter dry.

Stray animal shall mean any animal not under restraint.

Temporary owner shall mean an individual who finds a stray animal, has the animal for fewer than thirty (30) days and attempts to find the true owner of the animal. When the owner cannot be found, a temporary owner then will find a new home for the animal.

Trap, neuter and return (TNR) program shall mean a nonlethal, humane alternative to deal with the stray cats which are captured, altered and returned back to their location in order to encourage the stabilization of the free-roaming cat population in the City.

Trapped animal shall mean an animal caught or taken in, as if in a trap or snare by skill, craft or trickery.

Unprovoked animal attack means an attack by an animal that was not hit, kicked or struck by a person with any object or body part nor was any part of the animal's body pulled, pinched or squeezed by the person or animal that was attacked.

Vaccination certificate shall mean a document showing on its face that the animal described thereon has received a current inoculation of rabies vaccine in an amount sufficient to produce an immunity that satisfies the requirement of state law, inscribed with the date of the inoculation, the duration of immunity approved for that vaccine, the name and address of the animal's owner, all other information required by state law and signed by a licensed veterinarian.

Veterinarian shall mean a person licensed to practice veterinary medicine in the state.

Veterinary hospital shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis of and treatment of diseases and injuries of animals.

Wild animal shall mean any nonhuman primate, raccoon, skunk, fox, wolf, leopard, panther, tiger, lion, lynx, bobcat, or other warm-blooded animals, or any poisonous or dangerous snake which can be found in the wild state.

Zoological park shall mean any facility, other than a pet shop or commercial boarding kennel, displaying or exhibiting one (1) or more species of nondomesticated animals operated by a person or government agency.

Sec. 1-2. - Prohibiting sale of baby chicks, ducklings or other fowl and rabbits.

- (a) It shall be unlawful for any person to sell or offer for sale, barter, lease, rent or give away on the condition that some other item is purchased, bartered, leased, or rented, any baby chicks, ducklings, other fowl less than three (3) weeks old, or rabbits less than eight (8) weeks old; except that this chapter shall not be construed as to prohibit the sale or display of such baby chicks, ducklings, or other fowl in proper breeder facilities or hatcheries or to prohibit the sale or display of such baby chicks, ducklings, or other fowl in stores engaged in the business of selling the same to be raised for commercial purposes.
- (b) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any baby chicks, ducklings, or other fowl or rabbits or to possess for the purpose of sale any baby chicks, ducklings, or other fowl or rabbits which have been so colored.

Sec. 1-3. - Cruelty to animals.

- (a) Cruelty to non-livestock and livestock animals, excluding uncaptured wild living creatures, is a violation of the Code of Alabama and depending on the circumstances, is a misdemeanor or a felony of the third degree.
- (b) It shall be a violation of this ordinance for a person to intentionally, knowingly or recklessly beat, cruelly treat, overload or otherwise abuse any uncaptured wild living creature anywhere in the City. A violation of this subsection is punishable as described in section 1-20.
- (c) Animal control officials shall liberally utilize the authority granted by Code of Alabama and their ordinances to seize and impound any animal that has been or is being cruelly treated. If the investigating animal control officer or cruelty investigator has reason to believe that an animal has been or is being cruelly treated, pending a hearing before the municipal court judge on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.
- (d) Any police officer, animal control officer, or any other employee or officer of an authorized agent of the City of Rainbow City may take any animal into protective custody after an investigation, without the prior consent of the owner or person in charge, if the circumstances or conditions of the animal are such that continuing in the place of residence or in the care and custody of the owner or person in charge presents an imminent danger to that animal's life or health. However, such official shall within 72 hours seek to procure necessary process of the court having jurisdiction over the person from whose custody the animal was removed. The animal shelter may keep such animal in its custody and control until date of trial of the accused. During such period of temporary custody, the animal control officer or his/her designee may give or cause to be given effective consent for necessary veterinary services for any abused or neglected animal.

Sec. 1-4. - Killing animals in a public place.

It shall be unlawful for any person to wound or kill any cattle, dog, cat, horse, sheep, swine or goats of any description, whether wild or domestic, in any public place within the City.

Sec. 1-5. - Standard of care.

An owner, keeper or temporary owner of an animal is required to provide his animals with humane care and treatment as follows:

- (1) Access to an adequate supply of fresh air;
- (2) Species-specific food;
- (3) Fresh water;
- (4) Exercise;
- (5) Shelter, as defined by this ordinance; and
- (6) Veterinary care when needed to prevent suffering.

Sec. 1-6. - Ear cropping, tail docking, and declaw removal.

It shall be unlawful for the owner of an animal, or a person charged with custody or care of an animal, to surgically alter an animal, including, but not limited to ear cropping, tail docking, and declaw removal, except when done by a licensed veterinarian.

Sec. 1-7. - Reporting motor vehicle animal strikes.

Any person who, as the operator of a motor vehicle, strikes a domestic animal, livestock, or any wild animal over five (5) pounds in weight, shall at once report the accident to the City of Rainbow City Police Department.

Sec. 1-8. - Flooring standards for animal housing.

It shall be unlawful to house any animal on a surface that permits the feet or any portion of the foot to pass through any opening. The floor must be constructed in a manner that protects the animal's feet and legs from injury.

Sec. 1-9. - Prohibiting giving away animals as prizes or inducements.

It shall be unlawful for any person to give away, or offer to give away, any live animal 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 animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

Sec. 1-10. - Prohibiting selling, displaying animals on roadside, garage sales, flea markets and festivals.

- (a) It shall be unlawful for any person to sell, trade, barter, lease, rent, or give away, any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place.
- (b) It shall be unlawful for any person to display for a commercial

purpose any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market festival, park, community center or outdoor public place.

- (c) This section shall not apply to any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals or any recognized rescue organization which is currently registered with the department.
- (d) Subsection (b) shall not apply to any person who has obtained a permit and is complying with the specific limitations as set forth in section 1-41 or facilities not required to obtain a permit under subsection 1-418.
- (e) Any animal being sold, traded, bartered, leased, rented, or being given away on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place shall be subject to seizure and impoundment at the discretion of the investigating animal control officer and shall be subject to adoption, rescue, foster or humanely euthanized if not timely redeemed within the impoundment period as set out in this ordinance by payment of applicable impoundment fees for each animal impounded.

Sec. 1-11. - Exposing animals to poisonous substances.

- (a) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; except that it shall not be unlawful for a person to expose, on his own property or with permission of the property owner, commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions.
- (b) It shall be sufficient to constitute a violation under this section that the poisonous substance was attractively exposed by such person in such a manner that the same may have been eaten, or was in fact eaten, by any warm blooded animal or human; no intent or further culpable mental state shall be required to prove a prima facie violation.

Sec. 1-12. - Traps with holding mechanisms prohibited; exceptions.

- (a) No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the City limits, unless the use of such traps is specifically deemed necessary by the animal control officer for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.
- (b) It shall be a prima facie violation of this section that the traps proscribed in this section were, in fact, set up by the person in

question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

Sec. 1-13. - Animal traps without holding mechanism.

A person may set up on his own property humane traps used to capture dogs, cats, and other small animals alive which must be sheltered and shall be checked at least once every two (2) hours or every eight (8) hours if left overnight by the individual setting the trap. Humane care shall be provided for any trapped animals including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation. Trapped dogs or cats bearing identification and/or other registration shall be turned over to the department or the animal's owner.

Sec. 1-14. - Safety of animals in motor vehicles.

- (a) No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, or by chain, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.
- (b) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered, and said neglected or endangered animal shall be impounded.

Sec. 1-15. - Pet shop requirements.

- (a) No person shall operate a pet shop within the City without first obtaining a license from the Revenue Department.
- (b) Dogs and cats shall be removed from their primary enclosures at least twice during each 24-hour period and exercised unless the primary enclosure is of sufficient size to conduct an exercise regimen needed by the animal for good health. All animals shall be able to stand, stretch, and turn without touching any of the four (4) sides or top of their primary enclosure. Group housing of compatible animals is allowed if the space prevents crowding and allows for easy removal of animal waste, and the unhampered movement and comfort of each animal. Sick, diseased, and injured animals shall be kept isolated and taken to a veterinarian on the day of discovery for veterinary care or euthanasia.
- (c) All pet shops and stores selling animals, birds, reptiles and fish shall:
 - (1) Take care to house animals in a sanitary manner;
 - (2) Provide appropriate medical services, care, and housing according to individual species' needs;
 - (3) Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the department) against common disease in accordance with standard veterinary practices; in the case of dogs, against canine

distemper, adeno-virus para influenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleukopenia; and

- (4) Not offer any puppy or kitten under the age of eight (8) weeks for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the department, or any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the department).
- (d) Animal enclosures shall be cleaned of debris and fecal matter at least once every twenty-four (24) hours. Sanitizing of dog and cat enclosures shall be done once every day by washing the surfaces with water and either soap or detergent, or by the use of a pressure water system or steam cleaner all of which shall be followed by the application of a safe and effective disinfectant. The exercise and run areas having pea gravel or other non-permanent surface materials shall be thoroughly cleaned at least every twenty-four (24) hours and more frequently if necessary by removal of soiled materials and application of suitable disinfectants followed by the replacement of clean surface materials when necessary.
 - (e) It shall be unlawful for a pet shop owner, operator, manager, or employee to sell, trade, transfer, barter, give away, maintain, or act as a dealer or agent between a buyer and seller of any prohibited animal as defined by this chapter.
 - (f) All cats and dogs taken into a pet shop facility for resale shall be checked no later than seventy-two (72) hours from the date the dog or cat is taken into the pet shop for internal and external parasites, unless documentation is provided indicating the animal has had a veterinary exam within the past thirty (30) days and is free of internal and external parasites. Any animal exhibiting any signs of parasites shall be promptly treated, and medical records maintained for each animal. Any animal exhibiting signs of any infectious or contagious disease including, but not limited to canine distemper, adeno-virus parainfluenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, feline rhinotracheitis, and panleucopenia, will be immediately isolated and given adequate veterinary care. Complete records of veterinary care will be kept and delivered to the purchaser upon the sale of the animals. The department of health or animal care services may restrict the sale of any animal(s) suspected of being diseased or otherwise unfit for sale and may require that said animal(s) be examined within twenty-four (24) hours by a licensed veterinarian. The permit holder shall reimburse the enforcing agency's veterinary fees if the veterinarian concludes that the animal is unfit for sale at the time of the examination.
 - (g) The pet shop permit holder shall furnish a purchaser a written statement at the time of sale which shall include:
 - (1) Date of sale;
 - (2) Name, address and telephone number of purchaser and permit holder;
 - (3) Permit number of permit holder;
 - (4) Breed, description, approximate age and sex of dog,

- cat or other animal sold (small mammals, parrot-type birds, and fish not included);
- (5) Medication and prophylactic immunization and dates administered;
 - (6) Internal parasite medication(s) and date(s) administered;
 - (7) A guarantee of good health for a period of not less than two (2) weeks with recommendation to have the animal examined by a licensed veterinarian. The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale. All purchasers of dogs, cats and ferrets shall also be furnished with information as to the requirements of ownership of these animals within the City including requirements for rabies vaccination, litter permits, intact animal permits, microchipping and licensing. The pet shop permit holder shall be further required to register with the department the name, address, and telephone number of each purchaser of any dog or cat transferred within five (5) days after the sale or transfer.

(h) Records shall be maintained in good auditable condition, and surrendered to the animal control officer or his authorized representative upon request and without reservation or purpose of evasion. Failure to produce such records upon demand by the animal control officer shall be cause for the revocation of an existing license and the refusal to issue a new license for a period of two (2) years.

Sec. 1-16. - Commercial boarding kennel.

- (a) No person shall operate a commercial boarding kennel within the City without first obtaining a license from the Revenue Department.
- (b) The exterior of a commercial boarding kennel area shall be completely fenced or otherwise enclosed to prevent animals from leaving the premises.
- (c) Runs shall be constructed to effectively enclose the animals housed therein. Construction shall permit ready observation and handling of the animals and promote ease of cleaning. Runs and exercise areas having gravel or other non-permanent surface materials shall be sanitized a minimum of once in each 24-hour period and more frequently as may be necessary by removal of soiled materials and application of suitable disinfectants and replacement with clean surface materials.
- (d) All primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and exclude other animals. They shall be constructed and maintained to enable the animals contained therein to remain dry and clean and to permit regular and effective cleaning. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation conditions.
- (e) Group housing is permitted for animals that are compatible. Adequate space shall be permitted to allow freedom of movement and comfort.

- (f) All animals that are known to be exposed to or show symptoms of having infectious or contagious diseases shall not be transferred to any person other than the owner of the animal.
- (g) A commercial boarding kennel shall not accept a dog for boarding without first obtaining a copy of the dog's immunization record or veterinarian receipt showing that the animal has a current rabies vaccination certificate and been vaccinated against canine distemper, hepatitis, para influenza, and canine parvovirus in accordance with standard veterinary practices. A commercial boarding kennel shall not accept a cat for boarding without first obtaining a copy of the cat's immunization record or veterinarian receipt showing that the cat has a current rabies certificate and been vaccinated against feline panleukopenia, viral rhinotracheitis, and calici virus in accordance with standard veterinary practices. Puppies and kittens less than four (4) months of age are exempt from the rabies vaccination requirement. The animal care services facility and commercial boarding kennels possessing federal certification of non-profit status (IRS 501(c)(3)) are exempt from this requirement.
- (h) It is the responsibility of the permittees, except for those exempted from the payment of commercial boarding kennel fees, to be able to prove at anytime that all dogs and cats on the premises which are over four (4) months of age are currently vaccinated against rabies.
- (i) All animals shall be supplied with sufficient species specific food during each 24-hour period and more often if the physiological needs of the animal require it. Each animal shall have access to fresh potable water at all times.
- (j) Precautions shall be taken to insure that animals are not teased, annoyed, or made to suffer by any persons or means.

Sec. 1-17. - Animal waste; sanitation standards.

- (a) All animals shall be kept in a sanitary manner. Animal owners shall collect and dispose of animal waste by flushing it down a commode, by burial at least six (6) inches below the surface of the ground, or by placing it in a disposable container, sealing the container, and disposing of it as household garbage.
- (b) No animal owner shall allow the accumulation of animal waste on any premises in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on any adjacent property not owned or controlled by the subject animal's owner, or which creates a condition conducive to the breeding of flies or other pests.
- (c) The accumulation of animal waste on any premises so as to create a stench or harborage for flies or other pests is hereby declared to be a public nuisance. Upon delivery of a written "Notice to Clean" by the Building Department, an animal owner or any adult occupant of the premises identified in said notice shall abate the therein described public nuisance on the premises within twenty-four (24) hours. Delivery shall be accomplished either by hand to the animal owner or keeper or any adult occupant of the residence, or by posting in a conspicuous place on the main entrance fence gate of the premises or main entrance door of the structure on the premises,

or by certified mail, return receipt requested.

- (d) The animal control officer is authorized and empowered to enforce the provisions of this section, and may summarily abate and remove any immediate public health and safety hazard due to the presence of animals by declaring the conditions to be an immediate public health hazard and public nuisance, and shall execute an administrative order that the premises be cleaned to City health code standards by the City or its contractor within twenty-four (24) hours. The animal control officer is authorized to petition the municipal court for a court order for the seizure of a particularly described animal or all animals kept on the subject premises to be impounded and cared for as abused or neglected animals pending a hearing before the court in accordance with their ordinances and the Code of Alabama.

Sec. 1-18. - Leash and pooper scooper required.

An animal owner or keeper shall not walk an animal without a leash restraint, and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container and implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon.

Sec. 1-19. - Fastening animals with rope or chain; choker collar.

- (a) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This does not prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and must have a swivel device on the anchor and collar end to prevent tangling.
- (b) No person shall chain their dog using a collar exceeding one and one-half (1") inches wide for any dog weighing less than sixty (60) pounds. Dogs weighing sixty (60) pounds or more shall not be tethered using a collar exceeding two (2) inches in width.
- (c) An animal that is tethered must have access to adequate shelter at all times.
- (d) A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth (c) of the dog's body weight.
- (e) No person shall tether their female dog while the dog is in estrus.
- (f) Leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit; a heat advisory has been issued by a local or state authority or jurisdiction; or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service is declared to be in violation of this ordinance and is declared to be a misdemeanor, punishable by fine and/or jail time in accordance with this ordinance.

Sec. 1-20. - Unlawful acts; criminal penalties; civil remedies.

- (a) Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) except that, in the event a person has once previously been convicted under this chapter, the person shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.
- (b) If it is found that a person intentionally, knowingly or recklessly violated sections 1-4, 1-5, 1-7, 1-8 and 1-28 then upon conviction a person shall be punished by a minimum fine of two hundred dollars (\$200.00) and a maximum fine of three hundred dollars (\$300.00) for a first offense, a minimum fine of three hundred dollars (\$300.00) and a maximum fine of four hundred dollars (\$400.00) for a second offense, and a fine of five hundred dollars (\$500.00) for a third and subsequent offense.
- (c) Nothing in this section shall limit the remedies available to the City in seeking to enforce the provisions of this chapter. Each day's violation thereof shall constitute a separate offense.
- (d) Where it is deemed necessary by the animal control officer and the Mayor, the City attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

Secs. 1-21, 1-22. - Reserved.

ARTICLE II. - DANGEROUS ANIMALS AND AGGRESSIVE DOGS

- Sec. 1-23. - Keeping of dangerous animals.
- Sec. 1-24. - Investigation, seizure and confinement of alleged dangerous animal.
- Sec. 1-25. - Payment for cost of confinement.
- Sec. 1-26. - Determination hearing; notice of hearings.
- Sec. 1-27. - Defense to determination of dangerous animal.
- Sec. 1-28. - Requirements of dangerous animal owners.
- Sec. 1-29. - Notification of change of status.
- Sec. 1-30. - Dangerous animal violations.
- Sec. 1-31. - Aggressive dogs; levels defined.
- Sec. 1-32. - Aggressive dogs; appeals; restrictions pending appeal.
- Sec. 1-33. - Aggressive dogs hearings; notice of hearings; appeal.
- Sec. 1-34. - Regulation of aggressive dogs.
- Sec. 1-35. - Declassification of aggressive dogs.
- Secs. 1-36C1-37. - Reserved.

Sec. 1-23. - Keeping of dangerous animals.

Any animal owned or kept shall be determined to be dangerous if:

- (1) It makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, or

(2) It commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person.

Sec. 1-24. - Investigation, seizure and confinement of alleged dangerous animal.

- (a) Upon receipt of a sworn affidavit of complaint, signed by one (1) or more individuals before an individual authorized by law to make sworn statements, the animal control officer shall investigate the complaint. The complaint shall contain a description of the incident involving an alleged dangerous animal, as defined above, the date and location of the incident, the name of the owner of the animal, the address of the owner, and a description of the animal(s) involved in the incident. Said investigation may include discussing the incident with the owner/keeper of the animal. The owner/keeper of the animal shall have the right to provide an affidavit or statement concerning his own animal.
- (b) After receiving a sworn affidavit of complaint and upon making a decision that seizure is a reasonable precaution to insure the health and safety of people and/or animals nearby, the animal control officer or his designee may order the immediate seizure and impound of the animal. An administrative search warrant shall be obtained from any municipal court magistrate to enter onto private property to search for an animal which is allegedly dangerous or has been previously determined to be dangerous, if permission to enter the subject premises is denied by a person in lawful possession. If the animal cannot be safely approached, a tranquilizer projector may be used by department personnel. The cost of securing said animal(s), pending the determination hearing, shall be borne by the owner. The animal(s) involved may be confined at the animal care services facility or other location designated by the animal control officer until any appeal of the decision and action of the animal control officer, and a final determination has been made. If an animal is determined to be dangerous, it will remain in confinement as directed by the animal control officer. An animal that has been determined to be dangerous cannot be released back to the owner until the owner is able to demonstrate his ability to comply with all the requirements for dangerous animals as outlined in section 1-28.
- (c) The animal control officer may impound an alleged dangerous animal if the officer has cause to believe that an animal is dangerous as defined above.
- (d) Within five (5) working days after impounding an alleged dangerous animal, the animal control officer will notify the owner of the animal, by certified mail, return receipt requested, the reason for the allegation, and all requirements for owners of an animal determined to be dangerous as set out in section 1-28.

Sec. 1-25. - Payment for cost of confinement.

- (a) The owner of an animal impounded by the animal control officer must pay the costs of care of the animal. Reasonable expenses for this care include, but are not limited to the cost of housing, feeding, emergency veterinary medical care, immunizations and routine veterinary medical care for the animal.

- (b) Costs must be paid in cash or certified funds only.

Sec. 1-26. - Determination hearing; notice of hearing.

- (a) The owner of the animal determined to be dangerous has the right to appeal the determination to municipal court within fifteen (15) working days of the determination by the animal control officer. Failure to appeal within the time allotted shall result in the animal control officer's determination as final.
 - (b) A municipal court judge shall sit as the administrative appeal hearing officer, and shall conduct the appeal as a civil administrative proceeding for the purpose of reviewing the written or audio record and/or viewing a video tape of the hearing conducted by the animal determination hearing officer, and hearing any additional offered relevant sworn testimony and other evidence that such administrative appeal hearing officer deems useful. The administrative appeal hearing officer shall decide if the determination of the animal control officer is supported by a preponderance of the evidence. In addition, the administrative appeal hearing officer is permitted to consider whether the animal control officer's determination and action satisfied the requirements of due process. The administrative appeal hearing officer shall prepare a written memorandum of findings and declare the animal determination hearing officer's ruling either affirmed or reversed.
- (c) The ruling of the municipal court may be appealed in the manner provided for the appeal of cases from municipal court.

Sec. 1-27. - Defense to determination of dangerous animal.

It is a defense to the determination of an animal as dangerous and to the prosecution of the owner of an animal:

- (1) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (2) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal;
- (3) If the person was committing or attempting to commit a crime;
- (4) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal;
- (5) If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault;
- (6) If the animal was injured and responding to pain; or
- (7) If the animal was protecting its offspring, itself or its kennelmates.

Sec. 1-28. - Requirements of dangerous animal owners.

- (a) An owner of an animal determined to be dangerous by the animal control officer, or the municipal court, must comply with all of the following ten (10) requirements before the subject animal can be released to the owner. The animal control officer must, however, release the animal to the owner if a state licensed veterinarian with a facility located within the City verifies, upon being contacted by a City veterinarian or animal control officer, that the owner has arranged for the required surgery of the dangerous animal to comply with this

article, and a City veterinarian has implanted the required identification microchip in the animal, and has inspected the residence where the animal is to be kept, and is satisfied that the following requirements which could have already been complied with have been complied with by the owner:

- (1) The animal must be licensed in accordance with this chapter and shall have a higher licensing fee;
 - (2) The dangerous animal shall at all times wear a collar approved by the animal control officer visible at fifty (50) feet so that the animal can be identified as a dangerous animal. The City is authorized to charge the animal owner a fee to cover the cost of this collar;
 - (3) The dangerous animal must be kept in an enclosure as defined in section 1-1;
 - (4) The owner must present to the department a certificate of public liability insurance in the amount of one hundred thousand dollars (\$100,000.00) to cover any injuries caused by the dangerous animal. The insurance shall be kept in effect continuously and shall not be cancelled unless the animal is no longer kept by the insured owner;
 - (5) The dangerous animal, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the animal nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the dangerous animal must be restrained by a sturdy leash six (6) feet in length. The City is authorized to charge the animal owner a fee to cover the cost of this leash;
 - (6) The owner shall post a sign on his premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public street or highway. In addition, the City shall design and produce a uniform dangerous animal symbol or decal, understandable by small children which shall be made available at cost to the public. Such symbol or decal must be displayed on or about the sign;
 - (7) The owner shall authorize the City, at owner=s expense, to implant a microchip beneath the skin of the dangerous animal for positive identification of the animal;
 - (8) The dangerous animal must be spayed or neutered;
 - (9) The owner must attend a class on responsible pet ownership conducted by the department; and
 - (10) The owner must allow an annual inspection of the residence where the animal is kept to ensure continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.
- (b) If the owner of an animal determined to be dangerous is unable or unwilling to comply with the ownership requirements listed above at anytime, the animal must be euthanized by an animal shelter, animal care agency, or licensed veterinarian. An animal determined to be dangerous under this chapter shall not be offered for adoption, rescue or sale.

Sec. 1-29. - Notification of change of status.

The owner/keeper of a dangerous animal shall notify the animal control officer or his designee within twenty-four (24) hours if their dangerous animal is loose, unconfined,

has attacked another animal, has attacked a person, or has died. If an owner/keeper of a dangerous animal gives the dangerous animal away, the owner/keeper shall within twenty-four (24) hours notify the animal control officer or his designee that said animal has been given away and provide the animal control officer or his designee the name, address, and telephone number of the new owner/keeper. Prior to taking possession of the animal, the new owner/keeper must comply with the requirements of owners of dangerous animals and provide a sworn statement to the animal control officer or his designee that they will continue to comply with all of the requirements of owners of dangerous animals for as long as the owner/keeper has possession of the animal.

Sec.1-30. - Dangerous animal violations.

- (a) A person commits an offense under the ordinance if the person is the owner of a dangerous dog which makes an unprovoked attack on another person that occurs at a location other than a secure enclosure in which the dog is restrained and causes serious bodily injury to the other person.
 - (b) The owner or keeper of a dangerous animal, other than a dangerous dog, which, when unprovoked, inflicts severe injury or death to a person or bites a person on public or private property while off the owner's property, shall be guilty of a misdemeanor.
- (c) It shall be a violation of this ordinance for an owner or keeper to intentionally, knowingly, or recklessly fail to prevent a dangerous animal, including a dangerous dog, from killing or wounding, or assisting in the killing or wounding of any domestic animal belonging to or in the possession of another person, or for an owner or keeper to fail to prevent a dangerous animal from attacking, assaulting, biting or otherwise injuring any person or assisting in the attack, assault, biting, or other injury of any person whether out of or within the enclosure of the owner or keeper, and whether or not such dangerous animal was on a leash or securely muzzled or whether or not the dangerous animal escaped without the knowledge or consent of the owner or keeper. The animal control officer shall seize and destroy such dangerous animal in an expeditious and humane manner. In addition, the owner or keeper shall be cited for the offense.
- (d) It shall be a violation of this ordinance for the owner or keeper of a dangerous animal to:
 - (1) Fail to comply with any of the requirements of section 1-28 as required;
 - (2) Fail to notify the department of a change of status as set out in section 1-29; or
 - (3) Fail to keep the animal confined at no cost to the City during the hearing process.
- (e) The provisions under this section shall not apply to any law enforcement agency where a dog is being used for law enforcement.
- (f) A rebuttable presumption shall exist that the owner or keeper knowingly allowed a dangerous animal to be kept in inadequate confinement in any criminal complaint filed under subsections (b) or (c).

Sec. 1-31. - Aggressive dogs; levels defined.

Classification of a dog as aggressive shall be based upon specific behaviors exhibited by the dog. For purposes of this chapter, behaviors establishing various levels of aggressive dogs are the following:

- (1) Level 1 behavior is established if:
 - (a) A dog while in the enclosure in which the animal was being kept and acts to cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or
 - (b) A dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of a person or a domestic animal.
- (2) Level 2 behavior is established if a dog, while at large, causes physical injury to any domestic animal or livestock.
- (3) Level 3 behavior is established if:
 - (a) A dog, while at large, kills or causes the death of any domestic animal or livestock; or
 - (b) A dog classified as a level 2 aggressive dog that repeats the behavior in subsection (2) after the owner or keeper receives notice of the level 2 classification.
- (4) Notwithstanding subsections (1), (2), and (3), the animal control officer shall have discretionary authority to refrain from classifying a dog as aggressive, even if the dog has engaged in the behaviors specified in subsections (1), (2), and (3), if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

Sec. 1-32. - Aggressive dogs; appeals; restrictions pending appeal.

- (a) The animal control officer shall have authority to determine whether any dog has engaged in the behaviors specified in section 5-83. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the animal control officer. These observations and testimony can be provided by witnesses who personally observed the behavior. They shall sign an affidavit attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.
- (b) The animal control officer shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.
- (c) The animal control officer shall give the dog's owner or keeper written notice by certified mail or personal service of the dog's specified behavior, of the dog's classification as aggressive, and of the restrictions applicable to that dog by reason of its classification. If the owner or keeper denies that the behavior in question occurred, the owner or keeper may appeal the animal control officer's decision to the animal determination hearing officer.
- (d) Upon receipt of notice of the dog's classification as a level 1, 2, or 3 aggressive dog pursuant to subsection (c), the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Failure to comply with the specified restrictions shall be a

violation of this chapter for which a fine can be imposed. Additionally, the animal control officer shall have authority to impound the dog pending completion of all appeals.

- (e) If the animal control officer's decision or the animal determination hearing officer's decision finds that a dog has engaged in aggressive behavior, the dog may be impounded pending the completion of any appeals.
- (f) Any dog classified as a level 3, that is found to have repeated level 3 behavior as defined under this code, shall be impounded if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the animal control officer or the animal determination hearing officer.

Sec. 1-33. - Aggressive dogs hearings; notice of hearings; appeal.

- (a) Notice of appeal of a classification of aggressive dog must be given to the animal control officer within fifteen (15) working days of the date the dog is classified as aggressive.
- (b) A municipal court judge shall sit as the administrative appeal hearing officer. The administrative appeal hearing officer shall apply a pure substantial evidence review of the aggressive dog hearing. The administrative appeal hearing officer shall consider only the factual record made at the aggressive dog hearing and decide if the determination of the animal determination hearing officer is reasonably supported by substantial evidence. In addition, the administrative appeal hearing officer is permitted to consider whether the aggressive dog hearing satisfied the requirements of due process. The administrative appeal hearing officer shall prepare a written memorandum of findings and declare the animal determination hearing officer's determination either affirmed or reversed.
- (c) The result of the administrative appeal hearing is final.

Sec. 1-34. - Regulation of aggressive dogs.

In addition to the other requirements of this chapter, the owner or keeper of an aggressive dog shall comply with the following conditions:

- (1) Dogs classified as level 1 dogs shall be restrained, so as not to be at large, by a physical device or structure, in a manner that prevents the dog from reaching any public sidewalk, or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's premises whenever that dog is outside the owner's or keeper's home and not on a leash. The animal control officer may order sterilization of the animal.
- (2) Dogs classified as level 2 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises. In addition, the animal control officer may require the owner or keeper to obtain and maintain proof of public liability insurance in the amount of one hundred thousand

dollars (\$100,000.00). In addition, the owner or keeper may be required to complete a responsible pet ownership program as prescribed by the animal control officer or the animal determination hearing officer. The animal control officer may order sterilization of the animal.

- (3) Dogs classified as level 3 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, and the owner or keeper shall post warning signs, which are provided by the animal control officer, on the premises where the dog is kept, in conformance with rules to be adopted by the City. In addition, the animal control officer may require the owner or keeper to obtain and maintain proof of public liability insurance in the amount of one hundred thousand dollars (\$100,000.00). The owner or keeper shall not permit the dog to be off the owner's or keeper's premises unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person. In addition, the animal control officer may require the owner or keeper to satisfactorily complete a pet ownership program. The animal control officer may order sterilization of the animal.
- (4) To insure correct identification, all dogs that have been classified as aggressive shall be microchipped and photographed, and may be fitted with a special tag or collar determined by the animal control officer at the owner's expense. The animal control officer shall adopt rules specifying the type of required identification.
- (5) The animal must be licensed in accordance with this chapter and shall have a higher licensing fee;
- (6) The owner or keeper of a level 3 aggressive dog shall not permit the warning sign to be removed from the secure enclosure. The owner or keeper of any aggressive dog shall not permit the special tag or collar to be removed from the dog. The owner or keeper of an aggressive dog shall not permit the dog to be moved to a new address or change owners or keepers without providing the animal control officer with ten (10) days' prior written notification.

Sec. 1-35. - Declassification of aggressive dogs.

Declassification will be automatic pursuant to this section.

- (1) The following conditions must be met:
 - (a) Level 1 or level 2 dogs have been classified for one (1) year without further incident, and two (2) years for level 3 dogs;
 - (b) There have been no violations of the specified regulations; and
 - (c) If ordered by the animal control officer or hearings officer at the time of classification:
 - (1) The owner or keeper provides the animal control officer with written certification of satisfactory completion of obedience training for the aggressive dog with the owner or keeper, and
 - (2) The owner or keeper provides the animal control officer with written verification that the classified dog has been sterilized from a licensed veterinarian.
- (2) When the owner or keeper of an aggressive dog meets all of the

conditions in this chapter, the restrictions for level 1 and level 2 classified dogs may be removed. Restrictions for level 3 may be removed, with the exception of the secure enclosure.

Secs. 1-36C1-37. - Reserved.

ARTICLE III. - ANIMAL LICENSES AND PERMITS

Sec. 1-38. - Wearing tags, exception.

Sec. 1-39. - Seller's permit.

Sec. 1-40. - Animal limits; excess animal permit.

Sec. 1-41. - Permit required for circuses, rodeos, animal exhibits, animal shows, petting zoos and recreational animal rides; special exceptions for institutions and special attractions.

Sec. 1-42. - Pet shop license.

Sec. 1-43. - Grooming shop license.

Sec. 1-44. - Commercial boarding kennels license.

Sec. 1-45. - Cat colony permit and registration.

Sec. 1-46. - Revocation.

Secs. 1-47-1-48. - Reserved.

Sec. 1-38. - Wearing tags, exception.

- (a) Dogs must wear dog license tags at all times while outdoors; except that dogs which are kept for show or exhibition purposes are not required to wear such tags as long as the dogs are otherwise under restraint.
- (b) Cats that are currently vaccinated for rabies and microchipped shall not be required to wear tags on a collar due to the danger of accidental strangulation. Upon request of the animal control officer, the owner or keeper of any cat licensed in accordance with this chapter shall display such tag or license receipt for the animal in question to any requesting officer.

Sec. 1-39. - Seller's permit.

Any person who sells or offers for sale one (1) or more puppies must obtain a seller's permit.

- (1) Each seller's permit shall be valid for one (1) year. Each permit applicant shall be required to take an educational course as part of the permit application process.
- (2) The seller's permit number shall be prominently displayed in all advertisements, notices, or displays for sale of the puppies.
- (3) A seller's permit holder shall provide a purchaser a written statement which shall include a guarantee of good health for a period of not less than two (2) weeks with a recommendation to have the animal examined by a licensed veterinarian.
- (4) A person who obtains a litter permit or pet shop license shall not be required to obtain a seller's permit under this section.
- (5) If a person fails to obtain a permit after notice, then the department shall be authorized to impound the puppies.

Sec.1-40. - Animal limits; excess animal permit.

- (a) A maximum number of five (5) cats or three (3) dogs, or an

aggregate number of eight (8) is permitted at a residence. In order to have more dogs and/or cats than this chapter allows at a residence, an owner must apply for an excess animal permit which shall be valid for one (1) year. The criteria used to evaluate the granting of a dog or cat permit are as follows:

- (1) All dogs and cats for which a permit is required must be sterilized, unless the dog (s) or cat (s) qualifies for a certified medical exception by a licensed veterinarian or is under four (4) months old.
 - (2) All dogs and cats must be currently vaccinated for rabies.
 - (3) All dogs and cats must be currently licensed by the City.
 - (4) The dogs and/or cats must not be housed exclusively outside.
 - (5) All dogs and cats must have a photograph of each animal attached to an animal profile sheet that will be kept on record as verification of the animals allowed in the permit. Rescuers registered with the animal control officer shall be exempt from the photograph and profile sheet requirement.
 - (6) If the owner of the dogs and/or cats is not the owner of the property, the permission of the property owner must be obtained before a permit application will be processed.
 - (7) A check will be made to determine if there are any previous valid complaints. A previous valid complaint can be grounds for the denial of a permit request.
 - (8) The requestor must have adequate property or facilities to ensure the dogs and/or cats do not disturb any neighbors. The facilities shall be subject to inspection by the animal control officer.
- (b) The total number of rabbits allowed at a residence is six (6). An owner must comply with the following with regard to rabbits:
- (1) The owner must have adequate facilities to house the rabbits and ensure adequate sanitation.
 - (2) The rabbits must be kept housed or confined in a manner that does not allow them to create a nuisance.
 - (3) Sanitation must be addressed in a manner that prevents the attraction of pests.

If an owner desires to exceed the maximum number of rabbits specified above (six (6) rabbits), an owner must make an application for an excess animal permit with the department which shall be valid for one (1) year. The criteria for evaluating the application for an excess animal permit shall be those listed above in subsections (1), (2) and (3). The facilities shall be subject to inspection by the department. The maximum amount of rabbits allowed with an excess animal permit is twenty-five (25).

- (c) Any owner, caretaker, or other person who keeps any non-poisonous snake over three (3) feet and/or fifteen (15) pounds, in addition to complying with all federal and state laws, regulations, and permit regulations affecting such snake, shall:
- (1) Keep the snake at all times in a cage or enclosure of such size and construction and in a manner as to preclude the possibility of escape. Such enclosure shall be of such size as to permit the snake reasonable freedom of movement;
 - (2) Keep the snake in such a manner so as not to threaten or annoy any person of normal sensitivity; and
 - (3) Prevent unauthorized access to the snake through adequate safeguards.
- (d) Once a permit is granted, the permittee must obey all rules pertaining to pet ownership within the City and the state. Any valid violation

under this chapter, including exceeding the number of animals allowed on the original permit is grounds for revocation of the permit by the department.

- (e) If a permit is revoked, the permittee will have thirty (30) days to come into compliance with existing numbers limits.
- (f) An owner who is denied a permit or whose permit is revoked has the right to appeal the denial or revocation by submitting written notice to the animal control officer within fifteen (15) working days of the denial or revocation.
- (g) A municipal court judge shall sit as the administrative appeal hearing officer. The administrative appeal hearing officer shall apply a pure substantial evidence review of the animal permit determination. The administrative appeal hearing officer shall consider only the factual record made at the animal permit hearing and decide if the determination of the animal permit hearing officer is reasonably supported by substantial evidence. In addition, the administrative appeal hearing officer is permitted to consider whether the animal permit hearing satisfied the requirements of due process. The administrative appeal hearing officer shall prepare a written memorandum of findings and declare the animal permit hearing officer's determination either affirmed or reversed.
- (h) The result of the administrative appeal hearing is final.

Sec. 1-41. - Permit required for circuses, rodeos, animal exhibits, animal shows, petting zoos and recreational animal rides; special exceptions for institutions and special attractions.

- (a) Any operator of a circus, rodeo, animal exhibit, or entertainment show, or other persons desiring to bring any non-aquatic mammal into the City to use in a circus, rodeo, animal exhibit or animal show other than a dog show or a cat show, shall first submit a written request to the animal control officer for a permit and pay a permit application fee to cover the cost of inspecting the facility where the animal(s) will be kept during the event, which may be for any number of consecutive days. The permit application shall be submitted at least twenty (20) days prior to the event, and shall contain information as to the kind and number of animals involved, the reason for bringing the animal(s) to the City, and the name and address of the person or business that will keep, feed, and confine the animal(s) during their stay in the City.
- (b) No person shall operate a petting zoo or recreational animal ride (which include, but are not limited to, horses, ponies, donkeys, camels, elephants or cows) within the City without first obtaining a permit which shall be valid for one (1) year. An operator of a petting zoo or recreational animal ride shall first submit a written request to the animal control officer for a permit and pay a permit application fee to cover the cost of inspecting the facility where the animal(s) will be kept and shall contain information as to the kind and number of animals involved, and the name and address of the person or business that will keep, feed, and confine the animal(s). Animals used within the City for petting zoos or recreational animal rides must be provided with all the necessities of life including air, food, water, veterinary care, exercise, and protection from the sun and other elements of nature.

- (c) A permit shall not be required for any animal so long as it is owned by a governmentally owned and operated facility, publicly operated facility, a public zoological park, or bona fide medical institution or research institution.
- (d) A prohibited animal brought into the City for entertainment purposes which is not approved by the animal control officer, upon the order of the animal control officer, will be immediately removed from the City. If not so removed expeditiously, an animal control officer shall seize such animal if he has reason to believe the animal is not being properly fed, housed, or cared for, or is not being safely and securely confined for public safety.
- (e) Animals used within the City for entertainment purposes such as rodeos and circuses must be provided with all the necessities of life including air, food, water, veterinary care, exercise, and protection from the sun and other elements of nature. A licensed veterinarian must be in attendance at all such functions. Once determined to be injured or ill by a licensed veterinarian, an animal may be returned to use only after certification as healthy by a licensed veterinarian.
- (f) Nothing in this section shall authorize the animal control officer to issue a permit to a person to sell, trade, barter, lease, rent, or give away any animal on any roadside, public right-of-way, commercial parking lot, or at any garage sale, flea market or festival.

Sec. 1-42. - Pet shop license.

No person shall operate any pet shop as defined in this chapter, without first obtaining a license from the Revenue Department who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, birds or reptiles housed, and related zoning requirements. The animal control officer shall utilize a standardized checklist for inspecting and evaluating the qualifications of applicants.

- (1) Applications for an original or renewal pet shop license shall be submitted to the Revenue Department and shall be approved or denied by the animal control officer. The Revenue Department shall investigate the applicant's qualifications for a license, and report its findings to the Revenue Department. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation of a license.
- (2) Failure to intentionally, knowingly, or recklessly apply for a license prior to the opening of such a commercial animal facility, or within thirty (30) days after the renewal date, shall constitute a misdemeanor offense.
- (3) Each pet shop license shall be valid for one (1) year.

Sec. 1-43. - Grooming shop license.

- (a) No person shall operate any grooming shop, as defined in this chapter, without first obtaining a license from the Revenue Department who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, and related zoning requirements. The animal control officer shall utilize a standardized checklist for inspecting and evaluating the qualifications of applicants.
 - (1) Applications for an original or renewal grooming shop license shall be submitted to the Revenue Department and shall be approved or denied by the Revenue Department. The animal

control officer shall investigate the applicant's qualifications for a license, and report its findings to the Revenue Department. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation.

- (2) Failure to intentionally, knowingly, or recklessly apply for a license prior to the opening of such a commercial animal facility, or within thirty (30) days after the renewal date, shall constitute a misdemeanor offense.
- (3) Each grooming shop license shall be valid for one (1) year.

- (b) A permit holder has the right to request that any dog or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.

Sec. 1-44. - Commercial boarding kennels license.

No person shall operate a commercial boarding kennel without first obtaining a license from the Revenue Department which shall be valid for one (1) year. Such license shall be issued after inspection and approval of the facilities, taking into consideration the type of construction as it relates to sanitation, the health and welfare of the dogs and cats, and related zoning regulations.

- (1) Application for licenses under this section shall be made to the Revenue Department on the form furnished by the Revenue Department and approved by the Revenue Department. The animal control officer or designee shall conduct the investigation necessary to determine the applicant's qualifications for a license.
- (2) Failure to apply for a license prior to the opening of a commercial boarding kennel, or within thirty (30) days after the renewal date is a misdemeanor offense.
- (3) The animal control officer or his designee, after an administrative hearing, shall make a determination of whether the commercial boarding kennel conditions and the applicant's animal care practices meet the standards of this chapter, whether the facilities are adequate, and whether the applicant is otherwise willing and capable of complying with City ordinances. If the application is for renewal of an existing license, and the applicant has not complied with the rules and regulations established in this chapter, said animal control officer shall issue a "Letter of Denial of Renewal and Order of Termination of Operations" of the subject commercial boarding kennel upon the expiration of the current license period. Any unlicensed commercial boarding kennel is hereby declared a public nuisance, and shall be summarily abated by seizure and impoundment of all cats and dogs exceeding the legal number that may be kept by a resident.
- (4) Each commercial boarding kennel license application submitted to the animal control officer shall be accompanied by an application fee.

Sec. 1-45. - Cat colony permit and registration.

- (a) Each cat colony will be registered by the caretakers with the department or its designee which will serve as a clearinghouse for information on current caretakers, education for new caretakers, and assistance for persons found in violation of this section. Cat colonies with eight (8) or fewer cats are not required to be registered as a cat colony.
- (b) Any feral cat picked up by the animal control officer which has an appropriate ear tip will be returned to that colony unless veterinary care is required or the criteria listed in subsection (d) apply.

- (c) Caretakers of feral cat colonies shall obtain a cat colony permit which shall be valid for one (1) year, and implement proper management and sterilization practices as required by the animal control officer. Any person or caretaker determined to be in violation of proper management and sterilization practices required by the animal control officer shall be issued a written warning and be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance. That period of time shall not exceed ninety (90) days from issuance of the initial warning notice. Failure to comply shall result in a violation of this chapter, which may result in the issuance of a citation.
- (d) The animal control officer has the right to immediately seize and remove all, or parts of any colony for the following reasons:
 - (1) Public health and public safety concerns including rabies, other epizootic and certain zoonoses identified by the department of health; or
 - (2) Animals creating a public nuisance as defined in section 1-58.

Sec. 1-46. - Revocation.

All permits issued under this chapter may be revoked by the animal control officer, or his authorized representative, for violation by the holder thereof of any of the provisions of this chapter. Revocation of the permit is accomplished by mailing to the holder of such permit a written notice by certified mail stating his permit is revoked. Revocation of the permit may also be accomplished by personally delivering to the holder thereof a written notice stating his permit is revoked.

Sec. 1-47-- 1-48. - Reserved.

ARTICLE IV. - RABIES CONTROL

Sec. 1-49. - Required vaccination.

Sec. 1-50. - Reporting, bites, scratches; zoonotic diseases.

Sec. 1-51. - Concealment, sale of biting animal prohibited.

Sec. 1-52. - Confinement of animals infected with or exposed to rabies.

Sec. 1-53. - Notification of authorities upon knowledge of rabid animal.

Sec. 1-54. - Final disposition of rabid, nonrabid animals.

Sec. 1-55. - Health emergencies.

Secs. 1-56C1-57. - Reserved.

Sec. 1-49. - Required vaccination.

An owner of a dog, cat or domestic ferret must have the animal vaccinated against rabies in a manner that satisfies the requirements of state law.

Sec. 1-50. - Reporting, bites, scratches; zoonotic diseases.

- (a) Any veterinarian or person having knowledge of an animal having bitten, scratched or injured a person or other animal, within the City shall report the incident to the animal control officer, who is also the rabies control authority of the City, immediately.
- (b) Any veterinarian or other person having knowledge of an animal

diagnosed as having any reportable zoonotic disease shall report same to the animal control officer within five (5) days.

- (c) The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give his name and address together with the animal's license number and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner shall notify the animal control officer within twenty-four (24) hours of his name; the animal's license number; the name of the injured person, and other information requested by the animal control officer related to the animal and injured party.
- (d) If the animal control services officer is present, the owner/keeper shall immediately surrender the animal. If an animal control services officer is not present and the owner/keeper does not surrender the animal to the animal care services facility within twenty-four (24) hours of the incident occurring, the animal control officer shall seize and impound any animal for rabies observation upon the sworn affidavit of any person with knowledge that the animal has bitten a person or another animal. An administrative search warrant shall be obtained from any municipal court judge or other magistrate to enter onto private property to search for the biting animal if permission to enter is not given.

Sec. 1-51. - Concealment, sale of biting animal prohibited.

It shall be unlawful for any owner within the City to conceal, sell, give away or otherwise dispose of an animal that has bitten or scratched another animal or a human, or to otherwise permit the animal to be taken beyond the limits of the City after having knowledge of the animal's having bitten or having so injured another animal or a person as to cause an abrasion of the animal's or person's skin, until such animal is released by the animal control officer.

Sec. 1-52. - Confinement of animals infected with or exposed to rabies.

The owner of any animal infected with rabies, or who reasonably suspects his animal of having such an infection, shall notify the police department or the animal care services facility of the fact that his animal has been infected with or exposed to rabies. The animal control officer is empowered to have such animal removed from the owner's premises to the animal care services facility, or at the request of the owner, such animal may be placed in a veterinary hospital, and shall be placed under observation for the appropriate period as required by state law. Whether confined in the animal care services facility or a veterinary hospital, the owner shall bear the expense of the confinement.

Sec. 1-53. - Notification of authorities upon knowledge of rabid animal.

Any person having knowledge of any animal being infected with rabies or reasonably suspecting such infection shall immediately notify the animal care services facility or the police department of such fact or suspicion giving the name of the owner, possessor, keeper or harbinger of such animal, if the same be known, together with a description of such animal and where such animal may be found.

Sec. 1-54. - Final disposition of rabid, nonrabid animals.

Where an animal has been bitten by another animal, and the biting animal described in this section is determined not to have rabies, then both animals will be released from observation. If the biting animal is determined to be rabid, and the animal victim is possessed of a current vaccination certificate, then the owner of the animal victim will have the option of immediately having the animal victim humanely euthanized, or, in the alternative, revaccinated and quarantined for a period of ninety (90) days. However, if the animal victim is not possessed of a current vaccination certificate, then the owner of said animal victim will have the option of immediately having said animal victim humanely euthanized, or, in the alternative, vaccinated and quarantined for a period of one hundred and eighty (180) days.

Sec. 1-55. - Health emergencies.

Upon a finding by the animal control officer that a health emergency exists due to the imminent threat of rabies or other disease communicable by animals, he shall have the authority to order that all unrestrained animals be impounded and destroyed immediately; except that, no emergency order shall continue for a period longer than seven (7) days without the consent of the City council.

Secs. 1-56 - 1-57. - Reserved.

ARTICLE V. - ANIMAL NUISANCES; IMPOUNDMENT

Sec. 1-58. - Animal nuisances.

Sec. 1-59. - Outdoor cats.

Sec. 1-60. - Misdemeanor violations by animal owners; presumptions.

Sec. 1-61. - Impounding animals creating animal nuisance.

Sec. 1-62. - Impounding abandoned or unrestrained animals.

Sec. 1-63. - Impounding procedures.

Sec. 1-64. - Return of captured animal to owner.

Sec. 1-65. - Notifying owner of impounded animal.

Sec. 1-66. - Unclaimed animals.

Sec. 1-67. - Charges for reclaiming, adopting impounded animals; liability of claimant.

Sec. 1-68. - Liability of owners of impounded animals.

Sec. 1-69. - Abatement of animal nuisance complaint and citation; summary statement.

Sec. 1-70- Enforcement; interference with animal control officer, police.

Sec. 1-58. - Animal nuisances.

The owner or keeper of any animal in the City is responsible for the behavior and conduct of that animal at all times including the creation of a public nuisance. Violations of the following acts or omissions are public nuisances:

- (1) The owner or keeper shall keep the animal restrained at all times and insure that the animal does not roam or run at large at will;
- (2) The owner or keeper shall not keep any dog which barks or whines in such a manner, with such intensity, or with such continued duration, or keep any other animal, fowl, or bird, which makes frequent or long, continued noise, so as to annoy, distress or disturb the quiet comfort or repose of persons of normal nervous sensibilities within the vicinity of hearing thereof;
- (3) The owner or keeper shall prevent his animal from biting or injuring without provocation, any animal or person;
- (4) The owner or keeper shall prevent his animal from damaging or destroying

- public property or property other than its owner's private property;
- (5) The owner or keeper shall not keep more than the number of animals allowed under this chapter;
- (6) An owner or keeper creates an animal nuisance by the keeping, frequent feeding or harboring of any poisonous or inherently dangerous or prohibited animal.

Sec. 1-59. - Outdoor cats.

All outdoor cats must be spayed or neutered.

Sec. 1-60. - Misdemeanor violations by animal owners; presumptions.

- (a) An animal owner commits a misdemeanor offense if by act, omission or possession he creates an animal nuisance.
- (b) The following presumptions are hereby declared applicable in the prosecution of an offense pursuant to subsection (a):
 - (1) The filing of a complaint by two (2) or more neighbors, within a 12-month period, regarding the barking of an animal kept by its owner shall give rise to the presumption that an owner keeps an animal which barks or whines in such a manner, with such intensity, or with such continued duration so as to annoy, distress or disturb the quiet, comfort or repose of persons of normal nervous sensibilities. For the purpose of this presumption, each neighbor must occupy a different residence;
 - (2) The fact that an animal in question has bitten or injured another animal or human being during the previous eighteen (18) months shall give rise to the presumption that the animal bites or injures other animals or human beings without provocation;
 - (3) The fact that an animal in question has damaged or destroyed public or private property during the last twelve (12) months shall give rise to the presumption that the animal has a propensity to destroy property.

Sec. 1-61. - Impounding animals creating animal nuisance.

Animal control officers or other law enforcement officers shall have the power to impound animals which create an animal nuisance for the purpose of abating the nuisance as follows:

- (1) On public property, in all cases;
- (2) On private property, if:
 - (a) The consent of the resident or property owner is obtained;
 - (b) The officer reasonably believes there is immediate and imminent danger or peril to the public if the animal in question is not impounded; or
 - (c) Authorized by appropriate courts of law.

Sec. 1-62. - Impounding abandoned or unrestrained animals.

- (a) The animal control officer may order the seizure and impoundment of any abandoned animal as defined in this chapter. Disposition of said

seized and impounded abandoned animals shall be in accordance with sections 1-65, 1-66, and 1-67. Any trap, neuter and return (TNR) program that has been registered with the department shall not constitute a violation of this section.

- (b) Animal control officers or other law enforcement officers shall have the power to impound unrestrained animals for the purpose of abating the nuisance as follows:
 - (1) On public property, in all cases;
 - (2) On private property, if the consent of the resident or property owner is obtained;
 - (3) On private property, in all cases except fenced rear yards of residences, if the officer reasonably believes that the animal will run at large if not impounded.

Sec. 1-63. - Impounding procedures.

Animal control officers or other law enforcement officers authorized pursuant to sections 1-61 or 1-62 to abate a nuisance, shall, prior to impounding an animal, leave notice at the residence of the premises where the unrestrained animal was found stating the kind and type of animal seized, the place where the animal is to be impounded, the hours when it may be reclaimed by the owner and the length of time it is to be held; provided the animal control officers or other law enforcement officers shall:

- (1) Release the animal to the owner, if the animal was found unrestrained on the owner's premises and the owner agrees to restrain the animal in the future, or
- (2) Release the animal to the owner if the animal was found unrestrained outside the owner's premises, but the owner readily presents himself and agrees to restrain the animal in the future.

Sec.1-64. - Return of captured animal to owner.

- (a) In addition to the issuance of a citation, the animal control officer may return an animal found at large to the known owner in lieu of impounding the animal.
- (b) The owner may redeem an impounded animal during normal business hours by paying the impoundment fee, sterilization fees if any, boarding fees, and the pre-release rabies vaccination fee if required by law for the subject species and proof of valid current vaccination cannot be produced.

Sec. 1-65. - Notifying owner of impounded animal.

If the owner of an impounded animal can be identified, the animal control officer shall upon impoundment notify the owner at the address stated on the records of the department.

Sec. 1-66. - Unclaimed animals.

- (a) Any animal not claimed by its owner within seven (7) days shall become the property of the City, and shall be subject to adoption, rescue, foster or humanely euthanized at the discretion of the animal control officer. The selection of an animal for adoption or rescue during the reclamation period or thereafter shall not confer any ownership right or right of possession to the animal.

- (b) The animal control officer may sell unclaimed livestock found running free of restraint by public auction to the highest bidder for cash after notice of the auction is posted on a public bulletin board where other public notices are posted for the City.

Sec. 1-67. - Charges for reclaiming, adopting impounded animals; liability of claimant.

- (a) Any owner reclaiming an impounded animal shall, before the animal will be released to him, pay impoundment and boarding fees. The animal control officer is authorized to reduce or waive impoundment and/or boarding fees.
- (b) No animal shall be released from the animal control facility without the owner presenting proof that the animal has had a rabies vaccination in compliance with the requirements of state law. An owner of any dog or cat who cannot provide proof of said rabies vaccination shall be subject to a fee for rabies vaccination of each dog or cat. An owner of any domestic ferret who cannot provide proof of said rabies vaccination shall be subject to a fee for rabies vaccination of each domestic ferret. In addition, no animal shall be released without being licensed.
- (c) Any citizen reclaiming or adopting any animal under the provisions of this section shall be liable for any applicable fees.
- (d) The City animal care facility is authorized to accept animals for humane disposition from individuals who reside in the City or in other municipalities or in unincorporated areas of Etowah County. An animal service fee shall be charged per animal.
- (e) The animal control officer shall refund fees paid by persons who adopted an animal that dies within two (2) weeks of adoption due to apparent congenital illness or communicable disease that could have been contracted by the animal prior to adoption. Adoption fees shall be refunded as long as the terms of the adoption contract were followed.
- (f) At the time animals are reclaimed from the animal care facility they will be identified by the implantation of a microchip so the animal, if ever lost or stolen, can be returned to its owner.

Sec. 1-68. - Liability of owners of impounded animals.

- (a) The owner of an animal impounded remains subject to prosecution for violation of this chapter regardless of reclamation or nonreclamation.
- (b) The owner of an impounded animal remains liable for the fees incident to impoundment, regardless of reclamation of the animal or nonreclamation.

Sec. 1-69. - Abatement of animal nuisance complaint and citation; summary statement.

- (a) Any person may, upon presentation of a duly executed affidavit

stating the existence of an animal nuisance, as defined in this chapter, and identifying the name and address of the owner or owners of such animal may request the City prosecutor to file a complaint in municipal court against the owner or owners of such animal under the provisions of this chapter. The filing of a complaint by the person will result in the issuance of a court summons to the owner or owners of the animal in question.

- (b) Animal control officers and other law enforcement officers may issue the owner or owners of animals creating an animal nuisance, as defined in this chapter, a citation to appear in municipal court to answer the offense charged.

Sec. 1-70. - Enforcement; interference with animal control officer, police.

- (a) The provisions of this chapter shall be enforced by the animal control officer, his designated agents and the police department. It shall be a violation of this chapter to interfere with an animal control officer or a police officer in the performance of his duties.
- (b) Interference is presumed when the owner, keeper, or harbinger or possessor of an animal in noncompliance refuses to surrender the animal on demand to the animal control or police officers, provided that the demand is in accordance with the provisions of this chapter.
- (c) It shall be unlawful for a person to make a false complaint or report of an alleged violation under this chapter.

APPROVED AND ADOPTED by the City Council of the City of Rainbow City, Alabama, on this the _____ day of _____, 2012.

TERRY JOHN CALHOUN, Mayor
City of Rainbow City

Lloyd Matthews, Place 3

Anita Bedwell, Place 1

Larry Keenum, Place 4

Robert A Bobby@ McCartney Jr., Place 2

Kris Cornutt, Place 5

Attest:

Barbara Wester, City Clerk