

## ORDINANCE NO. 21-015

**AN ORDINANCE REGULATING ANIMALS WITHIN OWENS CROSS ROADS, STATE OF ALABAMA, AND FUTURE ADDITIONS; PRESCRIBING CERTAIN DUTIES AND CONDITIONS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING CONFLICTING ORDINANCES.**

### **Safety clause.**

The city hereby finds, determines, and declares that this Ordinance is necessary for the public health, safety, and welfare of the city and the inhabitants thereof, and supersedes any existing animal control ordinances.

**BE IT ORDAINED BY THE COUNCIL OF OWENS CROSS ROADS, ALABAMA, AS FOLLOWS:**

### **SECTION ONE**

#### **Animals & Owner Responsibility**

##### **Food, Shelter, Care.**

Owners must provide adequate food and clean water, appropriate for the species. They must provide appropriate shelter for their animals. Owners must also provide appropriate health care.

##### **All animals shall be kept under the control of their owner.**

No owner shall commit acts, actions or omissions that allow an animal to be treated in an inhumane manner. If animals are found to be treated in an inhumane manner, police chief or animal control officer shall have the right to remove or cause to have removed any such animals to a safe place for care at the owners' expense or to have euthanized in accordance with the laws of the state when necessary to prevent further suffering. Return to the owner may be withheld until the owner has made full payment for all expense so incurred and the situation that resulted in the animal being removed has been corrected.

##### **Hunting Dogs.**

Nothing within this Ordinance shall prohibit an owner from using hunting dogs to hunt upland game or migratory birds during hunting seasons established by

the Alabama Department of Conservation and Natural Resources without the use of a leash provided that the hunter had the consent of the land owner where the hunting is taking place.

Animals kept or raised for the production of food or hide or otherwise kept or raised solely for the purpose of sale or resale shall only be allowed within the City in association with approved locations of the "Agricultural, commercial" land use category which is Rural Residential with the approval of the Board of Adjustments.

## **SECTION TWO**

### **Dangerous or Vicious Domesticated Animals**

It shall be unlawful for the owner or other person in charge thereof to harbor or keep within the corporate limits of the City a dangerous or vicious domesticated animal unless the same is securely confined or bound in a kennel in such a manner as to prevent such animal from biting or attacking a person or another animal.

- a) An animal is not considered dangerous, aggressive or vicious if the bite inflicted was in defending itself or the owner from harm or protecting the property in the event of an illegal trespass.
- b) The owner of an animal that in any way has attacked a domesticated animal while off the owner's property shall be responsible for all veterinarian bills.

## **SECTION THREE**

### **Custody of Non-Domesticated, Wild animals**

It is prohibited for a person to have custody of Non-Domesticated, Wild Animals for the purpose of pets or for the purpose of profit, not for profit, display, show, etc. This includes all animals not native to Alabama and/or the United States.

## **SECTION FOUR**

### **Nuisance**

No animal shall be allowed to cause a nuisance. The owner of an animal shall be held responsible for every behavior of such animal under the provision of this article. It shall be unlawful and a nuisance for any person to confine, harbor or

keep on a residential lot or premises within the corporate limits of the City any animal known to said person to habitually, continuously, or intermittently make or emit sounds or noises of such volume and nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of property. Any person violating this Section shall be guilty of a Noise Nuisance Violation.

- Livestock guard dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.

## **SECTION FIVE**

### **Animals At Large**

It shall be unlawful for the owner or person in charge of any dog or cat to cause, permit or allow such dog or cat to be at large or to cause, permit, or allow such dog or cat to be cast off the premises or property of the owner or person in charge unless under the control of a competent person.

It shall be the duty of the owner or person in charge of any dog to remove and dispose of any feces deposited by said dog at any location in the city that is not the property of the owner or person in charge, and it shall be an offense against the city to fail to remove and dispose of the same in a sanitary manner.

Any person in the City finding any animal running at large in violation of this ordinance, about his residence, or the residence of which he is in charge, the Owner of which animal is unknown may take up such animal as a stray, and have it impounded by the Police Department or Animal Control.

## **SECTION SIX**

### **Dumping of Animals**

It shall be unlawful for any person to cast, throw, drop, or otherwise deposit any animals (live or dead) in or upon any street, sidewalk, park or other public place within the City. Unwanted alive animals should be sold, given away, or taken to a local animal rescue shelter. Dead animals should be disposed of properly.

## **SECTION SEVEN**

### **Standards for Keeping Animals**

It shall be unlawful for any person to keep any animal or fowl within 75 feet of a dwelling occupied by a person other owner of said animal or fowl.

Chickens and all other feathered animals must be confined to a suitable enclosure and be provided a 'coop' to shelter within.

#### **Confinement of dogs.**

As required by **SECTION FIVE**, it is unlawful for the owner or person in charge of any dog or cat to fail to keep said animal from running at large. In addition, when a dog is not in the presence of its owner or person in charge, it must also be kept under effective confinement as set forth in this section, and it shall be unlawful for the owner or person in charge of the dog to fail to do so. Proof that a dog is not so kept shall be evidence of a violation. Competent evidence that the failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden to the city to prove otherwise.

A dog is effectively confined under this section if the dog is not running at large, the dog is confined in an enclosure, the confinement does not violate any provision of state or local law, and the confinement does not violate any of the following:

1. The enclosure must provide a minimum of 225 square feet (with neither the width or length being less than ten feet) for each dog weighing 30 pounds or more, and 100 square feet (with neither the width or length being less than eight feet) for each dog weighing less than 30 pounds.
2. The enclosure shall be sufficiently constructed as to keep such enclosed dog from contact with outside dogs and people, and shall have an area sufficient to allow such dog reasonable exercise. The enclosure shall also permit reasonable protection from the weather, including shade during the summer.
3. Dogs may be kept on a tether, rope, chain, or similar line with a minimum of ten (10) foot of length, with access to shelter, food and clean water. Tether/chain must remain free of entanglement at all times.
4. The dog is not kept in an area of dangerous or unsanitary conditions, including but not limited to, excessive animal waste, garbage, dirty water, dangerous objects that could injure or kill the dog upon contact, or other circumstances that could cause harm to the dog's physical health.

5. The dog is kept in a structurally sound, moisture-proof and wind-proof shelter large enough to keep the dog reasonably clean and dry. A shelter that does not protect the dog from extreme temperatures or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this subsection.
6. An invisible fence may be used to satisfy all or part of the enclosure requirements of this section. As used herein, an "invisible fence" is a system, in good working order, that uses a wireless receiver in the dog's collar along with an electric stimulus, to prevent the dog from leaving the defined area of enclosure.

## **SECTION EIGHT**

### **RABIES**

Per Code of Ala. 1975, § 3-7A-2, every owner of an animal shall have the animal vaccinated against rabies by a licensed veterinarian. Each owner of an animal shall provide proof of the animal's vaccination upon request of a police officer or county animal control officer.

Any animal suspected of infection with rabies is hereby declared to be a public nuisance and a danger to the health and safety of the community. The chief of Police or his assistants may impound any such animal in the same manner required for confining a dog which has bitten a person.

## **SECTION NINE**

### **ANIMAL ESTABLISHMENT**

#### **Business license required for operating animal establishment.**

No person shall operate an animal establishment without first obtaining a business license in compliance with City, County, and State Laws.

#### **Issuance and revocation of business license.**

The city may revoke any business license if the person holding the license refuses or fails to comply with this article, or any other law governing the protection and keeping of animals. If an applicant is shown to have withheld or falsified any material information on the application, the city may refuse issuance of or may revoke a business license.

State Law reference— Authority to regulate, Code of Ala. 1975, §§ 3-5-14, 3-7-13, 11-47-110; cruelty, Code of Ala. 1975, § 13A-11-14; impounding and disposal of rabies-suspect or rabid animals, Code of Ala. 1975, § 3-7A-9.

Owens Cross Roads adopts by reference Code of Ala. 1975, § 3-1-5, concerning dogs running at large, and Code of Ala. 1975, § 13A-11-241, concerning animal cruelty in the first and second degrees.

### **Penalties for violation**

Any violation of any portion of this Ordinance shall be deemed a misdemeanor and on conviction for the first offense shall be punished by a fine of not less than \$50.00, and not more than \$100.00; for the second offense shall be punished by a fine of not less than \$200.00, and not more than \$400.00; and for the third and subsequent offenses shall be punished by a fine of not less than \$300.00, and not more than \$500.00 or 30 days in jail, or both, plus court costs.

Fines do not include court costs, bills, containment, disposal, or other charges that may be accrued as provided herein.

In addition to the penalties for violation of this ordinance provided, any reasonable costs by any organization in seizing, impounding, confining or disposing of any dangerous or wild animal pursuant to this article shall be charged against the owner, keeper, possessor, or harbinger of such animal. Such cost may be included such as restitution to be paid by any person convicted of a violation of this article.

ADOPTED and APPROVED this 23 day of March 2021.

  
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Tony Craig, Mayor

ATTEST:

  
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Christie D. Eason, Municipal Clerk



Town of Owens Cross Roads, Alabama, certificate of publication.

This is to certify that Ordinance No. 21-015, Town of Owens Cross Roads, Alabama, was published by posting on the town website, Facebook page, and on at least three (3) bulletin boards in the Town.