

ORDINANCE NO. 112-05-06

AN ORDINANCE REGULATING ANIMALS IN THE CITY OF GUIN, ALABAMA, AND REPEALING ALL PREVIOUS ORDINANCES RELATING THERETO, INCLUDING THE UNNUMBERED ORDINANCE DATED JULY 16, 1962.

WHEREAS, animals sometimes create a public nuisance and pose a threat to the health and safety of the citizens of Guin, and

WHEREAS, the City Council of the City of Guin wishes to repeal the current provisions relating to dogs roaming at large; adopt more comprehensive requirements regarding public nuisance animals and vicious animals; and, make available to the citizens of Guin procedures which are not currently afforded to them.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GUIN, ALABAMA, AS FOLLOWS:

ARTICLE I - ENACTMENT AND DEFINITIONS

SECTION 1. REPEAL OF PREVIOUS ORDINANCE; NEW ORDINANCE. The unnumbered Ordinance, titled "REGULATION OF DOGS IN THE TOWN OF GUIN", which was passed on July 16, 1962, and any other City Ordinances which are in conflict with this Ordinance are hereby repealed, and the following provisions shall, from the effective date of this ordinance be the law regulating animal control in the City of Guin.

SECTION 2. SEVERABILITY OF PROVISIONS. If any section or provision of this ordinance shall be declared invalid or unconstitutional by a Court of competent jurisdiction, such judgment shall not affect the validity of any other section or provision.

SECTION 3. DEFINITIONS. For the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them, to-wit:

3.1 CITY: City of Guin, Alabama, and its police jurisdiction.

3.2 ANIMAL: Any animal, whether cow, horse, sheep, hog, goat, dog, cat, or fowl, unless otherwise specifically excluded herein.

3.3 DOG: All members of the domesticated canine (Canis Familiarize) family three (3) months of age or older.

3.4 CAT: All members of the domesticated feline (Felis Catus) family three (3) months of age or older.

3.5 ANIMAL CONTROL OFFICER: Any employee of the City charged with animal control duties, namely all City of Guin police officers; the health officer or animal control officer designated for Marion County, Alabama; or any independent contractor to the City whose contractual duties include animal control.

3.6 ANIMAL SHELTER: Any company, partnership, association, organization, corporation, or individual with whom the City contracts for the purpose of impounding and caring for animals held under authority of this Ordinance, including any such entity designated as such by the County Commission for Marion County, Alabama.

3.7 IMPOUND: The act of taking physical control of an animal by an animal control officer or other officer empowered by City law; transporting it to the animal shelter.

3.8 RUNNING AT LARGE: An animal is running at large if it is not under the control of its owner or person acting for the owner; any dog or cat found in a public area without proper identification and evidence of rabies inoculation.

3.9 OWNER: Any person having a right of property in the animal, or who keeps or harbors the animal, or who has the animal in his vehicle or custody, or who permits the animal to remain on or about any premises occupied by him. The name entered on the animal's inoculation tag shall be considered prima facie proof of ownership.

3.10 PUBLIC NUISANCE ANIMAL: An animal is considered to be a public nuisance animal if it does any of the following: (a) habitually makes disturbing noises, including, but not limited to: barking, yelping,

whining, howling, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept; (b) creates unsanitary conditions or offensive odors, or is infested with fleas, ticks, or has mange, and thereby creates a health hazard, unreasonable annoyance, or discomfort to persons in close proximity to where the animal is kept or habitually roams; (c) trespasses on private property in such a manner as to create unsanitary conditions or cause unreasonable annoyance or discomfort to others; (d) damages property belonging to anyone other than its owner; or, (e) is a female found to be in reproductive season and not properly secured.

3.11 *VICIOUS OR DANGEROUS ANIMAL*: (a) An animal with a propensity, tendency, or disposition to attack, bite, inflict severe injury, or otherwise endanger the safety of human beings, pets, companion animals, or livestock, as evidenced by its habitual or repeated chasing, snapping, hissing, or barking; (b) an animal which attacks a human being or another domestic animal without provocation; or, (c) any animal owned or harbored primarily, or in part for the purpose of animal fighting or any animal trained for fighting.

ARTICLE II - GENERAL REQUIREMENTS

SECTION 1. *INOCULATION OF ANIMALS*. It shall be unlawful for any person within the City, or its police jurisdiction to own or keep a dog or cat which has not been inoculated for rabies, as required by Title 3, Chapter 7A, Code of Alabama, 1975, as amended.

SECTION 2. *IDENTIFICATION REQUIREMENT*. It shall be unlawful for any person within the City, or its police jurisdiction to fail to maintain upon a dog or cat a substantial, durable collar or harness bearing the name and address of the owner or person in control of the animal, as well as, the tag issued coincident with the inoculation of an animal against rabies.

ARTICLE III - PUBLIC NUISANCE ANIMALS

SECTION 1. *PUBLIC NUISANCE ANIMALS PROHIBITED*. It shall be unlawful for any person within the City, or its police jurisdiction to fail to exercise the necessary care and control to prevent an animal in their possession from becoming a public nuisance animal, as defined hereinabove.

SECTION 2. *COMPLAINTS OF PUBLIC NUISANCE ANIMALS*. Whenever any person shall complain to an animal control officer or City Court official concerning a public nuisance animal, or an animal control officer observes such conduct, the owner or keeper of said animal or animals shall be notified by written warning that a complaint has been received and that the person should take any necessary steps to abate the specified nuisance. Such warning shall be delivered by a law enforcement officer, or sent by U.S. Mail, postage prepaid.

SECTION 3. *APPEARANCE BEFORE CITY MAGISTRATE / JUDGE*. If within seven (7) days of the issuance of a warning specified in Section 2, the owner or keeper of said animal has not remedied, or made substantial progress towards remedying the specified nuisance, then the complainant shall have the right to appear before the City Magistrate or Judge to complete an affidavit so that a Summons may be issued against the owner or keeper of said animal or animals for violation of the provisions hereunder.

ARTICLE IV - VICIOUS ANIMALS

SECTION 1. *ACTIONS PROHIBITED BY VICIOUS OR DANGEROUS ANIMALS*. The following acts or actions shall be unlawful in the City of Guin and its police jurisdiction:

1.1 Allowing a vicious or dangerous animal to be at large or unrestrained within the City limits or police jurisdiction of the City of Guin. All vicious or dangerous animals shall be securely confined on the owner's premises within a wall, fence, or enclosure in such a manner as to prevent the animal from biting or attacking a person or another animal, or running at large.

1.2 Taking a vicious or dangerous animal off the owner's property unless the animal is securely muzzled, so as to effectively prevent it from biting a person or another animal; and secured on a leash or chain, not more than five (5) feet in length, that is held or controlled by a person not less than nineteen (19) years of age.

1.3 Owing or harboring any animal for fighting, or training an animal for the purpose of causing or encouraging such animal to engage in unprovoked attacks upon human beings or domestic animals.

1.4 Keeping a vicious or dangerous animal within any portion of a multiple dwelling.

SECTION 2. VICIOUS OR DANGEROUS ANIMAL WARNING. All owners, keepers, or harborers of any vicious or dangerous dog or other animal shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Dangerous Animal", or similar warnings.

SECTION 3. COMPLAINTS OF VICIOUS ANIMALS. When any person claims that an animal is vicious or dangerous, he/she shall make a sworn statement before an officer authorized to take oaths in the City, setting forth a description of the animal; the location of the animal; the name of its owner, if known; and the reason he/she believes the animal to be vicious or dangerous. An animal control officer shall immediately investigate the complaint.

SECTION 4. PROCEDURE. When a vicious or dangerous animal investigation leads an animal control officer to believe the allegation is founded, or when an animal control officer observes an animal which he/she believes to be vicious or dangerous, the following action shall be taken:

4.1 The animal control officer shall order the animal confined. If the owner of the animal does not immediately provide a proper enclosure so that it poses no threat to the public, the officer may impound the animal.

4.2 A Summons against the owner of the animal for violation of the provisions hereunder shall be issued by the City Court.

4.3 A hearing will be set and held at the next scheduled term of the City Court.

ARTICLE V - IMPOUNDING ANIMALS

SECTION 1. AUTHORITY TO IMPOUND ANIMALS. To promote the City's interest in seeing that all animals are treated humanely and to ensure the well-being of the public, any animal control officer is hereby authorized to impound an animal when any of the following conditions exist: (a) The animal is running at large with no evidence of ownership or inoculation; (b) when the owner of an animal complained of being vicious or dangerous fails to properly confine the animal so that it does not pose a threat to the public or run at large; or, (c) an animal control officer believes an animal running at large poses an immediate threat to persons or other animals.

SECTION 2. RIGHT TO ENTER UPON PREMISES. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any authorized animal control officer is empowered to enter upon any premises upon which an animal is kept or harbored.

SECTION 3. NOTICE OF IMPOUNDMENT. When an animal is impounded hereunder, the owner or keeper of an animal shall be notified in writing, setting forth the reasons for impoundment, location of the Animal Shelter, requirements for redemption of the animal by the owner, and warning about possible disposition of impounded animals. Such notice shall be delivered by a law enforcement officer, or sent by U.S. Mail, postage prepaid.

SECTION 4. REDEMPTION BY OWNER.

4.1 A dog or cat impounded for running at large may be redeemed by its owner after the owner has provided proof of rabies inoculation and paid all costs of impoundment and boarding at the animal shelter.

4.2 An animal impounded as a public nuisance animal may be redeemed by its owner when the owner has made provision to abate the nuisance which was the subject of a complaint and has paid all costs of impoundment and boarding at the animal shelter.

4.3 An animal impounded as a vicious or dangerous animal, may be redeemed by its owner when the owner has made provision to properly confine the animal so that it no longer poses a threat to the public and

has paid all costs of impoundment and boarding at the animal shelter.

SECTION 5. DISPOSITION OF UNREDEEMED ANIMALS. Impounded animals may disposed of as follows:

5.1 An animal impounded pursuant to this Ordinance, if not redeemed by its owner within fourteen (14) days, shall become property of the facility and may be disposed of in the following ways: (a) transferred to a humane society or person deemed to be a responsible and suitable owner who shall agree to comply with the provisions of this ordinance; or (b) destroyed in humane manner.

5.2 Any impounded animal which appears to be diseased, injured, or wild beyond recovery can be humanely destroyed with the approval of the Director of the Animal Shelter or a licensed veterinarian.

SECTION 6. OWNER'S LIABILITY FOR COSTS. The owner of an animal impounded hereunder shall be liable for the cost of any rabies inoculation given and all costs of impoundment and boarding at the animal shelter, whether or not the animal is redeemed.

ARTICLE VI - DESTRUCTION OF CERTAIN ANIMALS

SECTION 1. WHEN ANIMALS MAY BE DESTROYED. An animal may be destroyed in a humane manner by an animal control officer, licensed veterinarian, or animal shelter:

1.1 When, after reasonable attempts to capture the animal or locate its owner, an animal at large constitutes a direct and immediate threat to public health, safety, or welfare.

1.2 When an animal is at large or unattended in a public place and injured or diseased beyond recovery.

1.3 Upon entry of an Order by the City Court when an animal is determined to be vicious and poses a continuing threat to the health and safety of the public.

1.4 When an animal has been impounded and not redeemed by its owner pursuant to the provisions of this ordinance.

ARTICLE VII - PENALTIES

SECTION 1. SENTENCES UPON CONVICTION. Any person found guilty of violating this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), and may also be sentenced to jail or hard labor for a period not exceeding six (6) months, at the discretion of the Court.

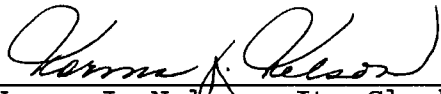
SECTION 2. OWNER'S LIABILITY FOR COSTS. Any person found guilty of violating this Ordinance shall, at the discretion of the Court, pay all expenses of impoundment of his/her animal, including any necessary veterinary and inoculation expenses, as well as, expenses which may be incurred in destruction of the animal.

SECTION 3. ORDERS REGARDING DISPOSITION OF ANIMALS. If it is determined by the City Court, after hearing, that an animal is a vicious or dangerous animal, or a public nuisance animal, the Court, in addition imposing sentences and costs authorized hereunder, may: (a) order the animal to be confined by the owner so that it does continue to be a nuisance, pose a threat to the public, or run at large; (b) order the animal to be impounded; or (c) order the animal destroyed when it is determined to be vicious or dangerous and poses a continuing threat to the health and safety of the public.

ADOPTED AND APPROVED, this 17th day of October, 2005.

Attest:

City of Guin, Alabama,
a municipal corporation


Norma J. Nelson, Its Clerk


Phil Segraves, Its Mayor