

ORDINANCE NO. 5-23-13-A AMENDMENT TO SECTION 1
RESPONSIBLE PET OWNERSHIP ORDINANCE

WHEREAS, the Rainsville City Council would like to set reasonable limitations for pet-owners in the city limits which also protect the citizens of Rainsville, Alabama they make the following amendment to 5-23-13-A as if fully set forth.

SECTION 1: ORDINANCE NO. 5-23-13-A reads as follows:

THEREFORE, BE IT ORDAINED BY THE RAINSVILLE, ALABAMA CITY COUNCIL AND MAYOR THE FOLLOWING:

Section 1- Definitions

For the purpose of this ordinance, the following definitions shall prevail:

Animal:

Animal Control Authority - The DeKalb County Animal Adoption Center Animal Control Officer or the Rainsville Police Department including any officer, agent or employee of either.

Animal Establishment – Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter. This term shall not include veterinary medical facilities, licensed research facilities, facilities operated by governmental agencies, or licensed animal dealers regulated by the USDA.

Animal shelter – an establishment, especially one supported by charitable contributions, that provides a temporary home for animals that are offered for adoption and considered to be a Nonprofit 501 (c) (3).

At-large – An animal off the premises of the owner and not under the control of the owner or his agent either by leash, cord or chain.

Dangerous, aggressive or vicious animal – an animal which has, at any time, attacked or bitten a person off the premises of the animal's owner or keeper, an animal who disturbs and annoys passers-by who are lawfully on a public street, in a public park or on school grounds, whether or not such animal is on a public street. Any animal that without justification or provocation attacks a person causing physical injury or death or that behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons.

Humane manner – the way for which an animal is cared including, but no limited to, adequate heat, ventilation, sanitary shelter, wholesome food, and water consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Kennel – An establishment kept for the purpose of breeding, selling, or boarding animals or engaged in training of the same.

Livestock guarding dogs – Dogs kept for the primary purpose of protecting livestock from predatory attacks.

Neutered – Rendered permanently incapable of reproduction.

Nuisance – An animal that damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed

of by the owner, caused unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chasing vehicles or molests, attacks or interferes with persons or other domesticated animals on public property.

Owner – A person having a right of property in an animal, or who keeps or harbors an animal or who has it in his care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by that person.

Person – Any individuals, firms, partnerships, and associations, the singular shall include the plural, and the masculine and feminine.

Pet Shop – An establishment engaged in the business of buying or selling at retail dogs or cats or other animals for profit making purposes.

Section 2 – Rabies vaccination

- A. Per Code of Ala. § 3-7A-2, every owner of an animal shall have the animal vaccinated against rabies by a licensed veterinarian.
- B. Each owner of an animal shall provide proof of the animal's vaccination upon request of an officer, agent or employee of the DeKalb County Animal Adoption Center Animal Control Officer or the Rainsville Police Department.

Section 3 – Business License

- A. No person shall operate an animal establishment without first obtaining a Business License in compliance with this section.
- B. The business license period shall begin with the first day of the calendar year and shall run for one year. Renewal applications for the business license may be made within 60 days prior to the expiration date. Application for a business license to establish a new breeding animal establishment under the provision of this ordinance may be made at any time.
- C. Annual business licenses shall be issued upon payment of the applicable fee:
 - i. Any kennel, pet shop, or other for profit animal establishments are considered a Alabama Department of Environmental Management.
 - ii. For other animal establishments, including, but not limited to persons harboring 6 dogs or more, over the age of 3 months, will require an annual permit fee of \$60.00
 - iii. A person denied a license may not reapply for a period of 30 days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a \$20.00 fee.
- D. Under the provisions of this ordinance, no business license fee shall be required of any animal shelter that is recognized as a Nonprofit 501(c) (3). All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the Revenue Commissioner within 60 days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

Section 4 – Issuance and Revocation of Business License

- A. The City of Rainsville may revoke any business license if the person holding the license refuses or fails to comply with this ordinance, or any other law governing the protection and keeping of animals.

- B. If an applicant is shown to have withheld or falsified any material information on the application, the City of Rainsville may refuse issue or may revoke a business license.

Section 5 – Owner Responsibility

- A. All animals shall be kept under the control of their owner.
- B. Every dangerous, aggressive or vicious animal shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner. Any dangerous animal shall be reported to the DeKalb County Animal Adoption Center or the City of Rainsville, Police Department.
- C. 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 ordinance.
- D. No owner shall commit acts, actions or omissions that allow an animal to be treated in an inhumane manner.
- E. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.
- F. Nothing within this section 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 leash provided that the hunter had the consent of the land owner where the hunting is taking place.

Section 6 – Impoundment

- A. In the event an at-large animal is reported to the DeKalb County Animal Adoption Center, the animal control officer may pick up the at-large animal in accordance with the procedures of the DeKalb County Animal Adoption Center. Once the DeKalb County Animal Adoption Center has space available, the animal may be impounded by the DeKalb County Animal Shelter and confined in a humane manner. Immediately upon impounding an animal, the shelter should make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Animals not claimed by their owners within a period of seven (7) days of impound shall become the property of the organization.
- B. When an animal is found-at-large and its ownership is verified by the Rainsville Police Department, the officer in charge may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
- C. If animals are found to be treated in an inhumane manner, the DeKalb County Animal Adoption Center shall have right to remove or cause to have removed any such animals to a safe place for care at owners' expense or to have euthanized in accordance with the laws of Alabama 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.
- D. Disposal of an animal by any method specified herein or not specified does not relieve the owner of liability for violations and any accrued charges.

Section 7 – Redemption

- A. Any animal impounded for rabies quarantine, evidence or other purpose may be redeemed by the owner thereof upon payment of an impoundment fee as determined by the impounding authority provided all test results are negative and the animal does not present a threat to the

public. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or any other charges accrued.

Section 8 – Severability

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

Section 9 – Dangerous, Aggressive or Vicious Status

- A. Any dangerous, aggressive or vicious animal may be impounded immediately upon notification that it is found at-large.
- B. 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.
- C. 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 10 – Non-domesticated, Wild Animals

- A. The keeping of non-domesticated, wild animals is prohibited.

Section 11 – Safety Clause

- A. The City of Rainsville hereby finds, determines, and declares that this ordinance is necessary for the public health, safety, and welfare of the City of Rainsville, Alabama and the inhabitants thereof, and supersedes any existing animal control ordinances.

Section 12 – Penalties for Violation and Fines and/or Fees

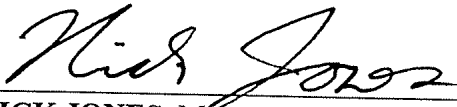
- A. Any person violating Sections 3(A), 5(A) or 5(C) of this ordinance shall be guilty of a violation and shall be fined not more than \$250.00 or imprisoned in the city or county jail for a period not to exceed 30 days.
- B. Any person violating Sections 5(B) or 5(D) shall be guilty of a misdemeanor and shall be fined not more than \$500.00 and may be imprisoned in the city or county jail for a period not to exceed (6) months, and shall be ordered to pay restitution in an amount sufficient to reimburse any victim for all damages and losses occasioned by the violation.
- C. Fines do not include court cost, bills, containment, disposal, or other charges that may be accrued as provided herein.
- D. Specific penalties regarding Section 2(A) and (B) will be guided by Code of Alabama §3-7A-6.
- E. 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 ordinance 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 ordinance.

SECTION 2: The amendment shall include the ordaining language as pursuant to Alabama Code Section 11-45-2 as laid previously and also will redefine the following:

Nuisance – An animal that damages, or defiles private property and/or soils or defecates to the point of that there is unsanitary conditions and/or inhibits the quiet enjoyment of another's private property. Causes a disturbance by excessive barking or other noise making; or chases vehicles or molests, attacks or interferes with persons or other domesticated animals on public property.

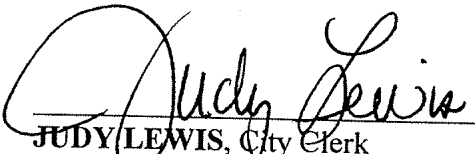
SECTION 3: This ordinance shall become effective upon passage and publication pursuant to applicable law.

Adopted this 19th day of May, 2014.



NICK JONES, Mayor

Attest:



JUDY LEWIS, City Clerk

CLERK'S CERTIFICATE OF PUBLICATION

I hereby certify that the above and foregoing ordinance was duly adopted at a regular meeting of the City Council of Rainsville, Alabama at which a quorum was present, and that it has been published one time in the Mountain Valley News, a newspaper of general circulation published in the City of Rainsville, Alabama, in its publication dated the 20th day of May, 2014.