

ORDINANCE NUMBER 6- 4 -12

AN ORDINANCE REGULATING DANGEROUS AND NOISY ANIMALS AND PROVIDING PUNISHMENT FOR VIOLATION

BE IT ORDAINED BY THE CITY COUNCIL OF RAINSVILLE, ALABAMA, as follows:

SECTION 1. Definitions

For the purposes of this article, the following words shall have the following definitions:

(A) "Dangerous Animal" means and includes:

- (1) Any mammal, amphibian, fish, reptile, or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty (20) pounds or more, foxes, elephants, alligators, crocodiles, and snakes which are venomous or otherwise pose a risk of serious physical harm or death to human beings as a result of their nature or physical makeup, including but not limited to, boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons, Africa rock pythons, Amethystine pythons, Boelen's pythons and all members of the family pythonidae that exceed six (6) feet in length.
- (2) Any dog or cat which has a disposition or propensity to attack or bite any person or domesticated animal without provocation, has been trained for fighting or is kept primarily for the purpose of fighting. For the purposes of this subsection, where the official records of an animal control officer or police chief, including but not limited to incident reports and written complaints, indicate a dog or cat has bitten any person or persons, it shall be prima facie evidence that the dog or cat is a dangerous animal.
- (3) Any dog which habitually charges at persons or other domesticated animals on the public streets, public ways, or other properties appurtenant to, and in the area of, the property on which such dog is kept, whether or not such dog has actually bitten or attacked a person or other animal. For the purposes of this article, where the official records of an animal control officer or police chief, including but not limited to incident reports and written complaints, indicate a dog has exhibited such a habit, it shall be prima facie evidence that the dog is a dangerous animal.
- (4) Any domesticated dog that has in its known genetic history and/or formal pedigree crossbreeding with the wolf species, to include but not be limited to,

animals referred to as wolf hybrids, wolf-mix breeds, and the breed known as Tundra Shepherd.

(5) Any pit bull terrier or bullmastiff, which shall be defined as any American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Bullmastiff, or other like subset of those breeds, or any mixed breed of dog which contains as an element of its breeding those breeds so as to be identifiably of the those breeds.

(6) Any animal which is not naturally tame and gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

(B) "Noisy Animal" means and includes any animal, including but not limited to dogs and cats, that create loud and frequent or continued, barking, howling, yelping, roaring, bellowing, or other audible noise sufficient to annoy or disturb neighboring residents.

SECTION 2. Dogs or cats at large prohibited.

It shall be unlawful for any dog or cat to be at large within the corporate boundaries of the city, off of the premises of the owner, keeper, or possessor. The owner, keeper, or possessor of any dog or cat failing to keep said dog or cat confined on his own premises shall be guilty of a violation of this ordinance; provided nothing in this section shall prevent the owner, keeper, or possessor of any dog or cat from allowing said dog or cat to accompany such owner, keeper, or possessor elsewhere than on the premises on which such dog or cat is regularly kept under circumstances where said dog or cat is kept on a leash or otherwise kept under orderly control.

SECTION 3. Keeping loud and noisy animal prohibited.

It shall be unlawful for any person to keep or maintain on his lot or premises within the corporate boundaries of the city a noisy animal.

SECTION 4. Prohibition and regulation of dangerous animals.

(A) Except as provided in sections 4(B), 4(C), 4(D), and 4(E), it shall be unlawful to own, keep, harbor, or maintain any dangerous animal within the corporate boundaries and police jurisdiction of the city.

(B) Exceptions.

(1) Any person who falls into one of the following subsections shall be permitted to own, harbor, or have charge, custody, control, or possession of a dangerous animal; provided the person has first secures a permit under section 4(G); provided further that the owners, keepers, possessors, or harborers of dogs

meeting the definition of "dangerous animal" shall also be required to register their animals in accordance with the provisions of this ordinance:

- (a) Zoos, bona fide educational or medical institutions, museums or any other place where dangerous animals are kept as live specimens for the public to view, or for the purpose of instruction or study, and which are properly licensed for such purposes.
- (b) Circuses, carnivals, or other exhibits, competitions, or shows at which dangerous animals are kept for exhibition to the public, and which are properly licensed for such purposes.
- (c) A bona fide and licensed veterinary hospital or clinic where dangerous animals are kept for treatment.
- (d) Commercial establishments possessing such animals for the purpose of sale or display, which are properly licensed for such purposes.
- (e) Private individuals who have registered a dog meeting the definition of "dangerous animal" and have complied with all applicable requirements of this ordinance.
- (f) A humane society or animal shelter under contract with the city or county; provided that such an agency is also exempt from the registration requirements of this ordinance.
- (g) A law enforcement agency, or officer thereof, which maintains an animal trained and certified to assist in law enforcement; provided that such an agency or officer is exempt from the registration requirements of this ordinance.

(2) The provisions and prohibitions of this section 4 shall not apply to the transportation of a dangerous animal through this city; provided the person or entity transporting such dangerous animal has taken adequate safeguards to protect the public and has notified the police department of the proposed route and time of such transportation.

(C) Exceptions for dog meeting "dangerous animal" definition.

A dog is not a dangerous animal in the following circumstances:

- (1) When an injury or damage was sustained by a person while committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; while teasing, tormenting, abusing, or assaulting the dog; or while committing or attempting to commit a crime upon the premises occupied by the owner or keeper of the dog.

(2) When an injury or damage was sustained by another animal while the other animal was upon the premises where the dog alleged to be dangerous is kept.

(3) When the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(4) When an injury to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property, or under the control, of its owner or keeper and the damage or injury was to a species or type of animal appropriate to the work of the dog.

(5) When the dog was responding to pain or injury inflicted upon it by the person or other animal who sustains injury or damage.

(D) Permit and registration requirements for dog meeting "dangerous animal" definition.

The keeping of a dog meeting the "dangerous animal" definition (hereinafter "dangerous dog") shall be subject to the following mandatory requirements:

(1) *Confinement.* A dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled or in a crate as provided below. Such pen, kennel or structure must have secure sides and secure top attached to the sides. Such structure must have a secure bottom or floor attached to the sides or the sides of the structure or pen must be embedded in the ground no less than one foot (1 ft.) in depth. All structures used to confine a dangerous dog must be locked with a key or combination lock when such animals are within the structure. All structures erected to house a dangerous dog within the corporate boundaries of the city must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(2) *Leash and muzzle or crate.* No person shall permit a dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than three feet (3 ft.) in length and under the control of a competent adult. As an alternative, the animal may be confined in a locked crate which is constructed of material of sufficient strength to prevent escape, posted with a sign saying "DANGEROUS ANIMAL", and constructed so that a child cannot penetrate the crate with his or her hand. When a dangerous dog is in a vehicle or being transported in an open truck bed or other conveyance, it shall be confined in a locked crate or cage which is constructed of material of sufficient strength to prevent escape and posted with a sign saying "DANGEROUS ANIMAL", and constructed so that a child cannot penetrate the crate or cage with his or her hand. No person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the

leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, a dangerous dog on a leash outside the animal's kennel or structure of confinement must be muzzled by a muzzling device sufficient to prevent such dog from biting any person or other animals.

(3) *Confinement indoors.* No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) *Signs.* All owners, keepers, possessors, or harborers of a dangerous dog shall display immediately to the left of the front door of the residence or business where the animal is located a sign which shall be unobstructed and easily readable by the public using the words "DANGEROUS ANIMAL." In addition, such a sign is required to be posted on the kennel, pen, or other structure where such dangerous dog is kept or housed. Such sign shall measure at least eighteen inches by eighteen inches (18 in. x 18 in.), have a black background, and have bright orange lettering at least three inches (3 in.) tall saying "DANGEROUS ANIMAL".

(5) *Insurance.* All owners, keepers, possessors, or harborers of a dangerous dog must provide proof to the city clerk of liability insurance in a single incident amount of at least Two Hundred Fifty Thousand Dollars (\$250,000.00) and specifically covering any damage or injury to person or property which may result from the ownership, possession, keeping, or maintenance of such animal. The policy shall contain a provision requiring the city to be named as an additional insured for the sole purpose of being notified by the insurer of any cancellation, termination, or expiration of the liability insurance policy. At the time of initial registration of a dangerous dog, the owner, keeper, possessor, or harborer must present proof to the police chief or his designee of the required insurance. At the time of subsequent registration or renewal, the owner, keeper, possessor, or harborer must show proof of insurance for the present registration period and proof that there was insurance coverage throughout the period of the immediately prior registration period. In the event the liability insurance is canceled, lapsed, terminated, or for any other reason becomes unenforceable, the owner, keeper, possessor, or harborer shall be in violation of the provisions of this ordinance and subject to the penalties provided herein.

(6) *Identification photographs.* All owners, keepers, possessors, or harborers of a dangerous dog must provide to the police chief or his designee two (2) color photographs of the animal clearly showing the color and approximate size of the animal.

(7) *Reporting requirements.* All owners, keepers, possessors, and harborers of a dangerous dog must within ten (10) days of the following-described incidents, report the following information in writing to the police chief:

- (a) The removal from the city or death of the dog;
- (b) The birth of offspring of the dog;
- (c) The new address of the owner if the owner moves within the city limits or police jurisdiction of the city;
- (d) The name and address of any person to whom ownership or possession of the dog is transferred.

(8) *Animals born of dangerous dogs.* All offspring born of a dangerous dog must be registered with the city within six (6) weeks of the birth of such animal.

(9) *Failure to comply.* It shall be unlawful for the owner, keeper, possessor, or harbinger of a dangerous dog to fail to comply with the requirements and conditions set forth in this ordinance. In addition to all penalties provided for the violation of this ordinance, any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license for such animal and/or the permit providing for the keeping of such animal and in the immediate removal of the animal from the city.

(E) Notice of keeping dangerous animals.

Upon the written complaint of any person that another person owns, possesses, keeps, or harbors a dangerous animal in violation of this ordinance, the police chief or his designee shall forthwith cause the matter to be investigated. If, after investigation, the facts indicate that such person named in the complaint is, in fact, the owner or possessor, or is keeping or harboring a dangerous animal, the police chief or his designee shall forthwith send notice to such person requiring such person to safely remove the animal from the corporate boundaries and/or the police jurisdiction of city within five (5) days of the date of the notice. Such notice shall not be required where the dangerous animal has previously caused serious harm or death to any person or has escaped and is at large; in those instances, the police chief or his designee shall cause the animal to be immediately seized and impounded, according to the provisions of section 4(F), or killed if seizure or impoundment are not possible without risk of serious physical harm or death to any person.

(F) Seizure and impounding of dangerous animals.

The police chief or his designee shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping, possessing or harboring such

animal has failed to comply with the notice sent pursuant to section 4(E). Upon a seizure and impoundment, the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep, possess, or harbor such animals. If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the police chief may render the animal immobile by means of tranquilizers or other safe drugs. If that is not safely possible, the animal may be killed.

(G) Permit required.

(1) No person owning, harboring, or having charge, custody, control or possession of any dangerous animal shall allow such animal to remain within the corporate boundaries or police jurisdiction of the city unless the person has first secured a permit to do so and complies with all terms and condition of such permit. In addition thereto, such animal shall at all times be so confined, controlled and restrained in such manner that the life, limb or property of any person lawfully entering such premises shall not be endangered.

(2) Failure to comply with the requirements of section 4(G)(1) after written notification by the police chief or his designee shall be adequate grounds for the officer to impound the animal until a permit is obtained, all requirements for confinement of the animal are met, and all fees and costs of the impoundment have been paid. If the owner, possessor, custodian, keeper, or harbinger fails to fully comply with the requirements of section 4(G) (1) within ten (10) days, the animal will be subject to summary disposition or destruction by the police chief or his designee.

(H) Issuance of permit.

Except as hereinafter provided, no person shall have, keep, maintain, or have in his possession or under his control within the corporate boundaries and/or the police jurisdiction of the city any dangerous animal without first applying for and receiving a permit from the police chief; provided, no permit shall be granted except with such conditions attached as shall, in the opinion of the police chief or his designee, reasonably insure the public health, safety and general welfare. No permit shall be granted for any animal at any particular location except upon an explicit finding that the issuance thereof will not be contrary to the public health, safety and general welfare.

(I) Application for permit.

(1) An application for any permit required pursuant to this ordinance shall be made to the police chief in writing and upon a form furnished by the police chief. The application shall be verified by the person who desires to have, keep, maintain, possess, or control the animal for which the permit is required, and shall set forth the following:

- (a) Name, address and telephone number of the applicant;
- (b) The applicant's interest in such animal;
- (c) The proposed location, and the name, address and telephone number of the owner and/or lessee of such location;
- (d) The number and general description of all animals for which the permit is sought;
- (e) Any information known to the applicant concerning vicious or dangerous propensities of all such animals;
- (f) The housing arrangements for all such animals with particular details as to safety, structure, locks, fencing, etc.;
- (g) Safety precautions proposed to be taken;
- (h) Noises or odors anticipated in the keeping of such animals;
- (i) Prior history of incidents involving any of the animals that jeopardized or impacted the public health or safety;
- (j) Proof of insurance to cover those who may be injured or killed by the animal; and
- (k) Any additional information required by the police chief or his designee at the time of filing of such application.

(2) The application shall be accompanied by payment of a fee of \$100.00 in the case of a dangerous dog which has not been spayed or neutered and \$50.00 for all other dangerous animals. The fee shall be applied to the cost of processing, investigating, and acting on the application.

(J) Term and renewal of permits.

A permit in accordance with this chapter shall be valid until December 31 of the year in which it is issued. An application for renewal of any permit shall be made not less than forty-five (45) days prior to the expiration thereof and shall be accompanied by the same fee as required upon making the original application. If the application is submitted later than forty-five (45) days prior to the expiration of the existing permit, then a late fee of Five Dollars (\$5.00) per day after the deadline shall be added to the fee.

(K) Inspections, investigation, and issuance of renewal permits.

Prior to the annual renewal of any permit issued hereunder, and at any time after the issuance or renewal of any such permit, the police chief or his designee may inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this ordinance. In addition, the police chief or his designee may investigate the past history of the permit holder to determine whether during the past permit period the permit holder was in compliance with all of the conditions specified in this ordinance and the permit. The investigation may include a review of department records and interviews with the permit holder and neighbors. If the police chief or his designee determines during any such inspection and investigation that any of the conditions therein specified are being violated, he shall issue a citation to the responsible person and shall take the animal into custody pending a hearing on the citation. The police chief or his designee shall also recommend, or take action to ensure, that the permit be revoked or not renewed in the event that any violation is not corrected. Upon completion of the investigation and any review process provided for herein, the police chief or his designee shall determine whether the dangerous animal permit be renewed or that the application be denied. If the determination is to deny the permit, the basis for the denial shall be given or listed.

(L) Revocation and suspension of permits.

The police chief, on his own motion or on recommendation of his designee, may, for good cause shown, revoke any permit or modify any terms or provisions thereof and may, in the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, suspend any permit or portion thereof. Failure to comply with any of the provisions of this ordinance shall be considered good cause for revocation or suspension of a permit, seizure of the animal, and issuance of a court citation. The ruling of the municipal court on the citation will determine whether the permit is renewed or reinstated and whether the animal is returned or permanently surrendered to the humane society or other like organization.

(M) Commercial establishments.

(1) Commercial establishments possessing a dangerous animal for the purpose of sale or display may replace the same with others of the same kind, but the number of each shall not be in excess of the number thereof allowed by the terms of the permit issued pursuant to this ordinance. Such establishments may, in the discretion of the police chief or his designee, be granted a permit for such numbers of each kind of animal as do not exceed the maximum number such establishment estimates will be maintained by its in the corporate boundaries or police jurisdiction of the city at any one time during the period of the permit. Such permit shall require the immediate notification of the police chief or his designee upon the acquisition of any animal having a prior history of any incident involving the public health or safety, or resulting in any bodily injury or property damage.

(2) Upon the sale of any dangerous animal, the commercial establishment shall immediately send notification of the sale along with the name and address of the buyer, the method of transporting the animal, the path of travel of such transportation, and the destination of such animal to the police chief or his designee.

(N) Costs to be paid by responsible persons.

In addition to the penalties for violation of this ordinance provided below, any reasonable costs incurred by the police chief, his designee, or the city 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 and shall be collected by the police chief or his designee. Such costs may be included as restitution to be paid by any person convicted of a violation of this ordinance.

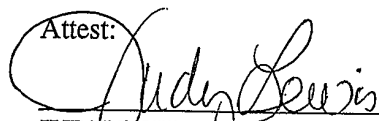
(O) Penalties for violations.

(1) Any person violating section 3 of this ordinance shall be guilty of a violation and shall be fined not more than Two Hundred Fifty Dollars (\$250.00) or imprisoned in the city or county jail for a period not to exceed thirty (30) days.

(2) Any person violating any other provision of this ordinance shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00), shall be imprisoned in the city or county jail for a period not to exceed six (6) months, and shall be ordered to pay restitution in an amount sufficient to reimburse the victim for all damages and losses occasioned by the violation.

Adopted this 7th day of June, 2012.


DONNIE CHANDLER, Mayor

Attest:

JUDY LEWIS, Clerk

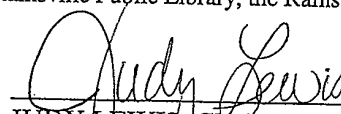
CLERK'S CERTIFICATE

I hereby certify that Ordinance No. 6-4-12 was published on the 7 day of June, 2012, by publication of the same:

in *The Mountain Valley News*, a newspaper of general circulation in the City of Rainsville;

and/or

by posting at Rainsville City Hall, the Rainsville Public Library, the Rainsville Post Office, and Rainsville Foodland.


JUDY LEWIS, Clerk

Rainsville

ALABAMA

DANGEROUS ANIMAL REGISTRATION

APPLICATION DATE: _____

SECTION 1 - APPLICANT INFORMATION

Name:	Primary Phone Number:	Alt. Contact Number:
Address:	City/State/Zip:	
Describe Applicant's Interest In Animal (Owner, Trainer, Etc.):		

SECTION 2 - ANIMAL LOCATION INFORMATION

Animal(s) Location Address:	City/State/Zip:	
Name of Owner/Lessee of Location:	Primary Phone Number:	Alt. Contact Number:
Owner/Lessee Address:	City/State/Zip:	
Describe Confinement Arrangement For Animal(s) (Kennel, Pen, In House, Etc.):		

SECTION 3 - ANIMAL INFORMATION

Breed or Type:	Number Of Animals:	Color:
Sex:	Weight/Size:	Spayed or Neutered?: YES / NO
Describe Known Information/History Of Animal(s)' Dangerous Propensities Or Public Safety Impact:		
Describe Safety Precautions Proposed To Protect Persons/Property:		

REQUIREMENTS:

1. I am submitting herewith two (2) pictures of each animal described in this application.
2. I am submitting herewith proof of insurance in a single incident amount of at least \$250,000.00 to cover all injuries and property damage caused by the animal(s) and agree to keep such policy in full force and effect throughout the term of the permit applied for.

3. I understand and agree that I must not allow the animal(s) outside a secure enclosure unless restrained by a chain or leash no more than three feet (3 ft.) in length and under the control of a responsible adult and muzzled by a device sufficient to prevent the animal from biting any person or animal.
4. I understand and agree that I must allow the Chief of Police or his designee access to the property where the animal(s) is located to inspect and ensure compliance with the Dangerous Animal Ordinance.
5. I understand and agree that I must display immediately to the left of the front door of the house, and on each such cage, kennel, pen, or other structure, where the animal(s) is kept a sign measuring at least eighteen inches by eighteen inches (18 in. x 18 in.), with a black background, and bright orange lettering at least three inches (3 in.) tall saying "DANGEROUS ANIMAL".
6. I understand and agree that I must notify the Chief of Police or his designee in writing within ten (10) days of the occurrence of the following:
 - a. The removal from the city limits and police jurisdiction or death of any of the animal(s);
 - b. The birth of offspring of any of the animal(s);
 - c. The new address where any of the animal(s) will be moved to and kept, if within the city limits or police jurisdiction; and/or
 - d. The name and address of any person to whom ownership or possession of any of the animal(s) is transferred.
7. I understand and agree that I must pay an application fee of \$100.00 for each dangerous dog that has not been spayed or neutered and \$50.00 for all other dangerous animals at the time of the filing of this application and/or the filing of an application to renew the permit.
8. I understand and agree that I must apply for a renewal of this permit not less than forty-five (45) days prior to expiration hereof.
9. I understand and agree that any permit issued pursuant to this application may be revoked or suspended if I fail to comply with the provisions of the permit or the Dangerous Animal Ordinance or in the event that such suspension or revocation is reasonably necessary to protect against immediate threat or danger to public health or safety.
10. I understand and agree that I will be liable to the City for all reasonable costs incurred in seizing, impounding, confining, or disposing of any of the animal(s) that are the subject of this application.
11. I understand and agree that I may be found guilty of a misdemeanor, ordered to pay a fine, ordered to pay restitution, and ordered to serve a jail sentence if I fail to comply with the provisions of this permit and the Dangerous Animal Ordinance.

I have read and understand the requirements set out above and in the Dangerous Animal Ordinance pertaining to the registration of a Dangerous Animal and agree to comply with all such requirements set forth by applicable ordinances and policies established by the City of Rainsville. I also understand that if my animal(s) made the subject of this application is found running at large, or attacks or inflicts injury on any person, the Chief of Police may seize, impound, confine, dispose, or destroy such animal(s).

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

Date of Decision:	Approved:	Disapprove:
Additional Conditions of Permit:		
Reason(s) For Disapproval:		