

**ORDINANCE 2005-23**

**AN ORDINANCE FOR THE CONTROL OF DOGS, CATS AND OTHER DOMESTIC ANIMALS AND THE HUMANE TREATMENT OF ANIMALS IN THE TOWN OF ELMORE, AMENDING ORDINANCE 2002-02 TO EXCLUDE THE TOWN OF ELMORE POLICE JURISDICTION DUE TO THE COUNTY OF ELMORE INCORPORATING AN ANIMAL CONTROL OFFICER INTO THE ELMORE COUNTY SHERIFF'S OFFICE**

**SECTION 1. Definitions.** As used in this ordinance the following terms mean:

A. **Animal Control Officer:** The person designated by the Town Council as the enforcement officer for the provisions of this ordinance and under the supervision of the Town Council and/or the Elmore County Sheriff's Department.

B. **Animal Shelter:** The premises designated by the Town Council for the purpose of impounding and caring for animals held under authority of this ordinance. The Humane Society of Elmore County Animal Shelter located at 255 Central Plank Road, Wetumpka, Alabama shall be the town's animal shelter.

C. **At Large:** Unrestrained and not under the control of the owner or other person(s) acting for the owner; such control to be exercised shall be:

- (1) by confinement within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of any animal;
- (2) by the restraint of the animal by a leash, cord or chain not less than ten feet in length and secured to a collar with swivel connections, in such a manner as to effectively prevent escape; provided, that the length of the leash, cord or chain shall be reduced to such length as to prevent the animal when so secured, from entering premises other than that of the owner;

or when an animal is in a public place and off the premises of the owner,

- (3) by the restraint of the animal by a leash, cord or chain not more than six feet in length and secured to a collar with swivel connections, in such a manner as to effectively prevent the escape of the animal.

It is provided further, that no animal shall be restrained in an inhumane manner.

D. **Town:** The Town of Elmore Corporate Limits.

E. **Dog:** Any member of the animal species *Canis Familiaris* three months or more in age.

F. Cat: Any member of the animal species feline family three months or more in age, including pet lions, tigers, cougars, leopards, bobcats, lynx, and other such member of the feline family.

G. Domestic Animal: Dogs, cats, domesticated sheep, horses, donkeys, mules, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

H. Harboring: Providing food, water, and/or shelter for an animal other than on a periodic or temporary basis.

I. Owner: Any person, partnership or corporation owning, keeping, possessing or harboring an animal. Owner shall include any person who has a right of property to an animal, who has an animal in his or her care or acts as its custodian, or who permits an animal to remain on or about the premises occupied by him or her.

**SECTION 2. Animal Control Officer. Enforcement of Article:**

2.1 The Town Council shall appoint an Animal Control Officer and such deputies and/or assistants as may be necessary, who shall be employees of the town. Such Animal Control Officer and deputies and/or assistants shall be paid such salaries, as the Town Council shall set. The expenses of the Animal Control Officer, deputies and/or assistants together with their salaries, shall be paid from the general fund of the town. It shall be the duty of the Animal Control Officer to enforce the provisions of this article;

- a. catch and impound any AT LARGE animal within the town limits;
- b. to attempt to rid the town of stray, homeless, unclaimed and diseased AT LARGE animals;
- c. to cooperate with humane officials and the county rabies inspector;
- d. to perform such other duties as may be prescribed by the Town Council

2.2 The Animal Control Officer, his deputies and/or assistants accompanied by a deputy of the Elmore County Sheriff's Office shall have the right, for the protection of the public health, welfare and safety, to enter upon any premises within the town for the purpose of capturing and impounding any AT LARGE animal. Upon verified written complaint that a dog, cat, or other domesticated animal has bitten a human being or another animal, the Animal Control Officer, his deputies and/or assistants, accompanied by a deputy of the Elmore County Sheriff's Department, shall have the further right to enter upon any property within the town for the purpose of capturing and confining the animal. Upon capture, any animal that has bitten a human being shall be confined with a licensed veterinarian for a period of ten (10) days pursuant to Section 3-5-9, *Code of*

*Alabama, 1975.* It shall be unlawful and punishable as a misdemeanor for any person who is the owner or custodian of an animal which has bitten a human being to fail to promptly turn over or deliver such animal to the Animal Control Officer, his deputy and/or assistant or Elmore County Deputy Sheriff upon their demand. Any expense incurred in the handling of any animal, under the provision of this subsection, shall be borne by the owner or custodian of such dog.

**SECTION 3. Interference with Enforcement of Ordinance:**

It shall be unlawful and punishable as a misdemeanor for any person to hinder, molest or interfere with any person authorized or empowered to perform a duty under this ordinance.

**SECTION 4. Cruelty to Animals:**

It shall be unlawful for any person to beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanly treat any animal anywhere in the town.

It shall be unlawful for the owner or keeper of any dog and/or cat or other domesticated animal living within the town to keep such animal in any enclosure or on any leash or other restraint unless the same shall be so arranged that such dog, cat or domesticated animal shall at all times have available water, shade and proper shelter. It shall be unlawful for the owner or keeper of any dog and/or cat or other domesticated animal living within the town in any other inhumane manner.

In addition to the provisions of the ordinance, the Animal Control Officer shall notify the Humane Society of Elmore County of any inhumane treatment of animals.

**SECTION 5. Domestic Animals Running At Large Prohibited:**

It shall be deemed a violation of this ordinance for any person, owning, keeping, possessing, harboring or maintaining a dog, cat or domesticated animal to cause such animal to be at large on any street, sidewalk, alley thoroughfare or other public place in the town, or on the premises or lot, other than that of the person owning, keeping, possessing harboring or maintaining the animal.

**SECTION 6. Inoculation:**

It shall be unlawful for any person to own, possess, keep, maintain or harbor an animal within the town without having such animal inoculated for rabies as required by Section 3-7-1 et seq. *Code of Alabama, 1975.*

**SECTION 7. Inoculation Tag Required:**

Each owner or harbinger of any animal required to be inoculated for rabies must attach a tag to the collar or harness of the animal identifying the type of inoculation and the date it was administered. It shall be a violation of this ordinance for any owner or

harborer of an animal not to attach such tag to his or her animal. It shall be a violation of this ordinance for any person to permit or allow any animal in his or her charge or control to wear an inoculation tag issued for a different animal.

**SECTION 8. Collar or Harness Required; Tag to be attached; Removal, etc., Prohibited:**

Each dog or cat over the age of three months shall wear a substantial, durable collar or harness, to which the inoculation tag, provided for in Section 3-7-4 of the *Code of Alabama, 1975* shall be attached. It shall be unlawful to attach such tag by wire, rope or other inhumane means. No person shall remove the collar or inoculation tag, or both from any dog or cat without the consent of its owner.

**SECTION 9. Impounding:**

Unrestrained domesticated animals or domesticated animals AT LARGE may be taken by the Animal Control Officer and his deputies and/or assistants, and impounded in the town animal shelter and there confined in a humane manner.

**SECTION 10. Redemption:**

Animals may be redeemed from the animal shelter in accordance with the rules of the shelter. In addition to any other charges imposed by the rules of the animal shelter, a \$15.00 redemption fee shall be collected by the shelter and remitted to the town.

Any such animal so impounded may be retaken or redeemed by the owner or his duly authorized representative within seven (7) days from the impoundment thereof, or any time thereafter before sale or destruction thereof, by paying to the pound master a fee of \$15.00 which shall be remitted to the town by the pound master, plus the cost of keeping such animal in the pound at the rate of \$10.00, or current rate established by the pound master, per day or any part of a day. No dog or cat shall be released from the pound, to either the owner or his duly authorized representative, or to a purchaser, unless or until such animal has been inoculated as prescribed by law and a certificate and tag, as likewise prescribed, shall have been issued therefore. The expense of inoculation shall be borne by the owner. Dogs and cats not redeemed or purchased, as herein provided, shall be destroyed by the pound master in a humane manner. Diseased or injured dogs or cats impounded under this section may be destroyed by the pound master in a humane manner immediately.

In no case shall an animal be returned to the owner without proof of rabies immunization.

Owners of animals wearing identifying tags and/or collars will be notified as soon as possible of the impoundment. Identifying tags and/or collars shall mean those collars or tags with the name, address, and/or telephone number of such animal's owner.

**SECTION 11.**

**Excessive Odors and/or Noise of Animals:**

A. Whenever any person shall complain Elmore County Sheriff Department that an animal habitually makes noise and/or by reason of the condition or manner in which they are kept causes a noxious, unpleasant odor or unsanitary condition, in such a manner as to cause loss of quiet enjoyment of their property, a deputy or other individual so authorized by the Elmore County Sheriff Department, shall notify the owner or harbinger of said animal(s) that a complaint has been received and that the person take whatever action necessary to alleviate the problem.

B. If the warning given to the person alleged to be harboring the animal is ineffective, a verified complaint of at least two citizens, not from the same family or household, may be presented to the Elmore county Sheriff. The complaint must allege that the animal habitually makes such noise or the odor is so noxious as to deprive the complainants of the quiet enjoyment of their property. The deputy, or person assigned by the Elmore County Sheriff Department, shall inform the owner or harbinger of such animal that a petition has been received and shall cite the owner or harbinger for the violation alleged in the petition.

**SECTION 12.  
Viciousness:**

**“Vicious Dog” Defined; Prima Facia Evidence of**

A “vicious dog” is defined as a dog which has bitten or without provocation bites or fiercely attacks any person or other animal. It shall be prima facia evidence that a dog is vicious if it shall, without provocation, bite or fiercely attack any person or any other animal.

**SECTION 13.**

**Enclosure for Vicious Dogs – Posting of Premises:**

Whenever a vicious dog is permitted to run at large within a wall, fence or other enclosure, it shall be the duty of the owner or harbinger of the dog to give public notice or warning that such dog is at large within such enclosure by conspicuously posting a written or printed notice at every unlocked entrance to such enclosure.

**SECTION 14.**

**Reporting of Vicious Dogs- By Sworn Statement;  
Procedure upon First Indication of Viciousness:**

When any person claims that a dog is vicious, he shall make a sworn statement setting forth the reasons for believing the dog to be vicious. Such sworn statement shall be delivered to the Elmore County Sheriff Department. Upon receipt of such sworn statement, the Deputy or other authorized member of the Department shall make an investigation. If the investigation finds the dog vicious, the Deputy or other such authorized personnel shall order the Animal Control Officer to confine such dog. If the owner of the dog does not immediately provide a proper enclosure, which meets the approval of the Animal Control Officer, and pay the expense of confinement within thirty

days, the Animal Control Officer shall report such findings to the Elmore County Sheriff Department for an order of extermination for such dog.

**SECTION 15. Reporting of Vicious Dog - Procedure upon Prior Indication of Viciousness but No Action Taken by Animal Control Officer:**

If, upon receipt of the sworn statement provided in the preceding section, the Animal Control Officer, under the direction of the Elmore County Sheriff Department, determines that the dog is vicious, and if he further finds that the dog has, on previous occasions, given evidence of its viciousness, but that no prior order has been made by the Elmore County Sheriff Department in reference to such dog, he may, in his judgment either request the Elmore County Sheriff Department order the dog confined as provided in the preceding section or he may file a proceeding before the Circuit Court Judge to determine whether or not such dog should be exterminated.

**SECTION 16. Reporting of Vicious Dog - Procedure When There Has Been Prior Indication of Viciousness and the Animal Control Officer, Under the Direction of the Elmore County Sheriff Department Has Acted.**

If upon receipt of the sworn statement provided in Section 14 of this ordinance, the Animal Control Officer shall find such dog to be vicious, and if he further finds that he had, prior to the time of the receipt of such sworn statement, ordered the dog confined for ten (10) days, and at the end of such time shall have the dog exterminated, unless the owner appeals to the Circuit Court Judge, in which case the matter shall be determined by the Circuit Court.

**SECTION 17. Penalty.**

Any person, firm, partnership, corporation or any other entity in violation any of provision of this ordinance may be sentenced for up to six (6) months and shall be fined not less than \$15.00 nor more than \$500.00 plus court costs, to be divided between the Circuit Court and the Town of Elmore. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**SECTION 18. Disposition of Fines and Redemption Fees:**

Any fines imposed by the Circuit Court and any redemption fees received shall be remitted to the Treasurer of the Town of Elmore as soon as possible. All funds received by the Town Treasurer as a result of the provision of this ordinance shall be deposited in the General Fund of the town.

**SECTION 19. Severability Clause:**

The provisions of this ordinance are severable and if any paragraph, section sentence or provisions hereof shall be held invalid, such invalidity shall not effect the remaining portions of this ordinance, which shall remain in full force and effect.



STATE OF ALABAMA

ELMORE COUNTY

TOWN OF ELMORE  
AFFIDAVIT FOR POSTING

I, Gwen Carter, hereby certify that I am the Town Clerk of the Town of Elmore, that I have in my possession the books and records of such municipality, including the minute book in which are recorded the minutes of the council thereof, and that the forgoing is a true and correct copy of an ordinance of such Council which was duly and legally adopted by it on the 26 day of July, 2005, and that said ordinance has been recorded in the ordinance book kept for that purpose and was published by posting on three public places within the limits of said municipality on the 26 day of July, 2005.

IN WITNESS THEREOF, I hereinto affix my signature as Clerk of such municipality, and the seal thereof, on this the 26 day of July, 2005.

  
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Gwen Carter, Town Clerk