

ORDINANCE 1999/6

General Animal Control Ordinance

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLEN,  
ALABAMA, AS FOLLOWS:

**SECTION 1. DEFINITIONS**

Wherever used in this ordinance, unless a contrary intention is clearly evident, the following terms shall be interpreted as herein defined:

- (1) The term "domestic animal" shall mean and include but is not limited to all members of the canine and feline family.
- (2) The term "dog" shall mean and include all members of the canine family three months or more of age.
- (3) The term "person" shall mean and include individuals, firms, partnerships, and associations; the singular shall include the plural; and the masculine, the feminine and the neuter.
- (4) The term "owner" shall mean and include any person having a right of property in a domestic animal, or who keeps or harbors a domestic animal, or who has it in his care, or acts as its custodian, or who permits a domestic animal to remain on or about any premises occupied by him.
- (5) The term "inoculation against rabies" shall mean the injection, subcutaneously or otherwise, as approved by the State Health Officer and the State Veterinarian, of canine anti-rabies vaccine, approved by the State Health Officer and the State Veterinarian.
- (6) The term "at large." Unrestrained and not under control of the owner or other person acting for the owner, such control to be exercised (1) by confinement within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of the dog; (2) by the restraint of the dog 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 the escape of the dog, when so secured, from entering premises other than that of the owner; or (3) when the dog is in a public place and off the premises of the owner, by the restraint of the dog a leash, cord, or chain not more than ten feet in length and secured to a collar, with swivel connections, in such a manner as to effectively prevent the escape of the dog. It is provided further that no dog shall be restrained in an inhumane manner.
- (7) The term "Animal Control Officer." The person designated by the Town Council to be primarily responsible for the enforcement of this article.

**SECTION 2. RUNNING AT LARGE**

No person owning or having charge or custody of any dog shall permit the dog to go at large, nor shall such dog be permitted to roam freely upon the streets or public ways of the Town. Every person owning or having charge or custody of any dog shall at all times keep such dog confined to the property of such owner or keeper, and shall at all times keep such property in a clean and sanitary manner to meet the approval of the city, county, and state health department. Nothing in this section shall prevent the owner of any dog or person in charge of such dog from having the dog accompany him/her as long as the dog is on a leash and under complete and effective control.

**SECTION 3. IMPOUNDING OF DOGS**

Wherever a dog is found in or about any street, thoroughfare, place, lot or premises contrary to the provisions of this ordinance, it shall be the duty of the poundmaster (chief of police or other officer), or any other person employed by the town for that purpose, to take such animal into custody and remove or cause the same to be removed to the Florence/Lauderdale Animal Control Shelter. At

the end of seven days from being impounded, the dog will become the property of the Florence/Lauderdale Animal Control.

#### **SECTION 4. REDEMPTION PROCEDURE**

- (1) Dogs and any other animal taken up and impounded may be redeemed by the owner or his duly authorized representative within seven days from impoundment thereof, or at any time thereafter before sale or destruction, except as hereinafter provided in the cases of fierce, dangerous, or vicious dogs, upon compliance with the inoculation requirements of this article and the payment of impoundment and board fees herein required.
- (2) Steps that a pet owner must take to redeem pet is as follows:
  - (a) Carry proof of current veterinarian inoculation certificate of pet to Killen Court Clerk at Killen Town Hall.
  - (b) Pay impound and boarding fees to Killen Court Clerk. Pay inoculation fee if required.
  - (c) Carry receipt of payment to Florence/Lauderdale Animal Shelter within required seven days of impoundment.
  - (d) Present the receipt to animal control officer at Florence/Lauderdale Animal Shelter to redeem pet.
- (3) If the owner of any animal impounded is unknown, or if he/she is known and fails to claim such animal within seven days of impoundment, the animal will become the property of Florence/Lauderdale Animal Control and is subject to any and all policies, procedures, and requirements of Florence/Lauderdale Animal Control.

#### **SECTION 5. CRUELTY TO ANIMALS**

- (1) It shall be unlawful for any person to violate Code of Ala. 1975, Section 13A-11-14.
- (2) Any person who tortures, torments, cruelly beats, mutilates, cruelly kills, or inflicts any unnecessary cruelty upon any animal and whoever having charge, custody or control of any animal, either as owner or otherwise, inflicts any unnecessary cruelty on, or who fails to provide the necessary sustenance, food, water, proper shelter and shade being a (4) four sided structure with a top and bottom or igloo type structure. If confined by chain or other apparatus it must be tangle free and a minimum of (10) ten feet long. Any person must upon conviction, be fined not more than \$500.00 and in addition thereto, may be sentenced to jail for not more than (3) months.
- (3) Right of Animal Control Officers to take charge of and care for neglected or abused animals; written notice to owner from whom animal taken; lien for expenses for care and keeping of animal.

Any duly authorized Animal Control Officer shall have the right to take charge of any animal which is sick or disabled due to neglect or is being cruelly treated or abused and to provide care for such animal until it is deemed to be suitable condition to be returned to its owner or to the person from whose custody such animal was taken.

The officer so taking such animal shall at the time of taking the animal given written notice to the owner or person from whose custody it was taken.

The necessary expenses incurred for the care and keeping of the animal after such notice by the Animal Control Department shall be a lien thereon and, if the animal is not reclaimed within 7 days from the giving of such notice, the Animal Control Department may sell the animal to satisfy such lien. If the Animal Control Department determines that the animal cannot be sold, it may cause the animal to be otherwise disposed of.

#### **SECTION 6. ANNUAL INOCULATION REQUIRED.**

- (1) It shall be unlawful for any person to possess, keep, maintain or harbor within the Town corporate limits without having such dog inoculated annually for rabies, as required by section 3-7A-2 of the Code of Alabama of 1975.
- (2) It shall be unlawful for any person to permit or allow any dog in his charge or control to wear a dog inoculation tag issued for a different dog.

## **SECTION 7. VICIOUS DOGS**

- (1) "Vicious dog" defined; prima facie evidence of viciousness. .  
A "vicious dog" is defined as a dog which has bitten or shall without provocation bite or fiercely attack any person or animal. It shall be prima facie evidence that a dog is a vicious dog if it shall without provocation bite or shall fiercely attack any person or any other animal.

- (2) Confinement required.

It shall be unlawful for the owner of other person in charge thereof to keep in the Town a vicious dog, unless such dog is securely confine, bound, or adequately leashed in such a manner as to prevent such dog from biting or attacking a person or other animal.

- (3) Enclosures 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 person in charge of such 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.

- (4) Same – Authority of animal control officer when enclosure deemed inadequate.

Whenever a vicious dog is not properly and securely confined, the animal control officer may order confinement of the dog until the owner or other person in charge of such dog provides an enclosure which, in the opinion of the animal control officer is adequate. Until an enclosure is provided which the animal control officer deems adequate, the animal control officer may order confinement of such dog with such person or organization as the animal control officer shall determine. The cost of feeding and caring for the dog shall be paid by the owner. If the owner of such dog fails to provide an enclosure which the animal control officer deems to be adequate within seven days, such dog by be disposed of by extermination or by whatever method selected by the humane officer, or the dog may be otherwise disposed of as directed by the animal control officer.

- (5) 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 before an officer authorized to administer oaths in the city, and such sworn statement shall set forth the reasons for believing the dog to be vicious.

Such sworn statement shall be delivered to the animal control officer. Upon receipt of such sworn statement, the animal control officer shall immediately make an investigation. If, in his opinion, the dog is vicious, and he further finds that the incident reported is the first incident or

indication of viciousness on the part of the dog, the animal control officer shall order such dog confined. If the owner of the dog does not immediately provide a proper enclosure, the animal control officer shall confine such dog with such person or organization as the animal control officer shall determine, for a period not exceeding seven days. If the owner or person in charge of the dog does not provide an enclosure within seven days which meets the approval of the animal control officer and pay the expense of confinement, the animal control officer shall order such dog exterminated.

- (6) Same-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 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 him in reference to such dog, he may, in his judgment, either order dog confined as provided in the preceding section or he may file a proceeding before the municipal judge to determine whether or not such a dog should be exterminated.

- (7) Same -- Procedure when there has been prior indication of viciousness and animal control officer has acted.

If upon receipt of the sworn statement provided in section 7.(5), 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 to be confined, the animal control officer shall order such a dog confined for seven days, and at the end of such time shall have the dog exterminated, unless the owner appeals to the municipal judge, in which case the matter shall be determined by the municipal judge.

- (8) Examinations for rabies.

At any time the animal control officer determines, after investigation, that a dog has bitten a person or another animal, he shall order such dog confined with such person or organization as the animal control officer shall determine, for a period of not less than ten days and not to exceed thirty days, to determine whether or not such a dog is affected with rabies.

- (9) Liability of owner.

A person owns or keeps a vicious dog in the Town at his own risk. If a vicious dog escapes from its enclosure or injures any person outside of the enclosure, the owner of such dog shall be criminally liable, whether such escape or injury occurred with or without negligence of the owner, the keeper or any other person.

- (10) Remedies of division to be cumulative

The remedies provided in this division are cumulative and shall in no way affect any other remedies provided by law and shall be in addition to the criminal prosecution of the owner or keeper of any vicious dog.

**SECTION 8. Barking or Howling Dogs**

It shall be unlawful for the owner or other person in charge of any dog to suffer or permit the loud and frequent or continued barking, howling, yelping of such dog, as to annoy and disturb the neighbors.

**SECTION 9. Trespassing animals injuring public or private property declared nuisance.**

Every animal which trespasses upon and does injury to public property or to the property of another person other than the owner, keeper or harbinger thereof is hereby declared to be a nuisance, and such animal shall be subject to be impounded.

**SECTION 10. Abandonment of Domestic Animals**

It shall be unlawful for any person to abandon or set loose with the intention of avoiding the responsibility for the custody or care of any domestic animal within the city limits of the Town of Killen.

**SECTION 11 Interference with officer deemed unlawful.**

Any animal control officer or police officer of the town is authorized to capture and impound any animal as required by this article. It shall be unlawful for any person to interfere with or resist such officer charged with the enforcement of the provisions of this article in the discharge of any act required or permitted hereby.

**SECTION 12 Violations of Ordinance**

Any person or persons violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for such violation by a fine not exceeding \$500 and may also be imprisoned to hard labor upon the streets or public works or in the work house or house of correction of the Town not exceeding six months, either or both at the discretion of the court trying the cause.

Adopted and Approved this 13th day of December, 1999.

Billy Ray Price  
Mayor

ATTESTED AND AUTHENTICATED:

Paul C. Gordon  
TOWN CLERK


Bill H. Lamb  
Timothy J. [unclear]  
Jaydra E. Mitchell  
[unclear]  
John [unclear]

THE STATE OF ALABAMA  
LAUDERDALE COUNTY

I, Janet C. Gordon, Clerk of the Town of Killen, Alabama, hereby certify as follows:

That there is not now, nor was there on the 4th day of January, 2000, a newspaper published in the Town of Killen, Alabama. I did, on the 4th day of January, 2000, post exact copies of the foregoing ordinance at the following public places, to-wit: Killen Town Hall, Big Star Supermarket and Killen Public Library, Killen, Alabama.

WITNESS my hand and seal, this 4th day of January, 2000.

  
TOWN CLERK

THE STATE OF ALABAMA  
LAUDERDALE COUNTY  
TOWN OF KILLEN

I, Janet C. Gordon, do hereby certify that the foregoing ordinance was duly and regularly adopted by the Town Council of the Town of Killen, Alabama, on the 13th day of December, 1999; that said ordinance has been this day posted at Killen Town Hall, Big Star Supermarket and Killen Public Library; and that said ordinance is now existing and is entitled to full faith and credit.

Witness my hand and the seal of the Town of Killen, Alabama, on this the 4th day of January, 2000.

  
TOWN CLERK



ORDINANCE NO. 1995/4

**Adoption of state laws.**

In addition to all other provisions of law relating to speed and operation of motor vehicles in the town, there are hereby adopted all laws of the state and all rules and regulations of the state highway department pertaining to the control of traffic and motor vehicles on highways that are misdemeanors under the state laws and a violation of such laws, rules and regulations in the town, or in the police jurisdiction thereof shall be a violation of this section.

ADOPTED AND APPROVED THIS THE 14th DAY OF February,

1995.

Naomi D. Flurry  
MAYOR

John A. Walker

Harold Neese

John A. Mc. Don

Bryon Cannon

Timothy C. Tull  
COUNCIL MEMBERS

**ATTESTED AND AUTHENTICATED:**

Annet C. Gordon  
TOWN CLERK



ORDINANCE 1986/1

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
KILLEN, ALABAMA, AS FOLLOWS:

SECTION 1. It shall be unlawful for the owner or occupant of any lot or premises in the town to permit weeds to grow upon the same, or upon the parkways, alleys or tree spaces abutting thereon. Where such weeds are allowed to grow to the extent of becoming unsanitary or unsightly, or so as to impede travel upon such alleys or parkways, the same is hereby declared to be a public nuisance, which may be abated as other nuisances are required to be abated, and at the expense of the owner or occupant of such premises.

Any owner or occupant of premises, who shall for five (5) days after having been notified to do so, fail to cut the weeds upon his premises, and upon the alleys, tree spaces and parkways abutting thereon and adjacent thereto and to so maintain them, shall be guilty of maintaining a nuisance, and each day of his failure after the expiration of said five (5) days notice, shall be a separate offense, which offense is declared to be a misdemeanor. On conviction, the offender shall be punished as provided by ordinance for misdemeanor violations in the Town of Killen, Alabama.

SECTION 2. This ordinance shall become effective upon duly posting.

Adopted and Approved this 14th day of April, 1986.

A. T. Walker Jr  
Mayor

ATTESTED AND AUTHENTICATED:

Janet C. Gordon  
Town Clerk

Ronald Pittman

Sobby B. Howard

John A. M. S.

Donald K. Coay

Naomi D. Flurry  
Councilmen



ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF

KILLBUCK, ALABAMA, AS FOLLOWS:

SECTION 1. It shall be unlawful for the owner or occupant of any lot or premises in the town to permit weeds to grow upon the same, or upon the parkways, alleys or tree spaces abutting thereon. Where such weeds are allowed to grow to the extent of becoming unsightly or so as to impede travel upon such alleys or parkways, the same is hereby declared to be a public nuisance, which may be abated as other nuisances are required to be abated, and at the expense of the owner or occupant of such premises.

Any owner or occupant of premises, who shall for five (5) days after having been notified to do so, fail to cut the weeds upon his premises and upon the alleys, tree spaces and parkways abutting thereon and adjacent thereto and to so maintain them, shall be guilty of maintaining a nuisance, and each day of his failure after the expiration of said five (5) days notice, shall be a separate offense, which offense is declared to be a misdemeanor. On conviction, the offender shall be punished as provided by ordinance for misdemeanor violations in the Town of Killbuck, Alabama.

SECTION 2. This ordinance shall become effective upon duly

Adopted and Approved this 14th day of April, 1956.

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Mayor

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\_\_\_\_\_  
\_\_\_\_\_  
Councilman

ATTESTED AND AUTHENTICATED:

\_\_\_\_\_  
Town Clerk



