

STATE OF ALABAMA

COUNTY OF CHILTON

TOWN OF THORSBY

ORDINANCE NO. 176

AN ORDINANCE TO AMEND ANIMAL CONTROL ORDINANCE NUMBER 133, AS LAST AMENDED, OF THE TOWN OF THORSBY IN ORDER TO PROVIDE GUIDELINES FOR RESIDENTS WITH SAFE CONTROL OF ALL ANIMALS, AS PROVIDED BY LAW.

THIS ORDINANCE IS TO REPLACE ORDINANCE NUMBER 133 FOR THE TOWN OF THORSBY

Section 4-1. Confinement of vicious, dangerous or poisonous animal.

(a.) Confinement is enclosure. It shall be unlawful for any person to keep or maintain within the city any vicious, dangerous or poisonous animal, except when kept confined in an enclosure or cage which shall be sufficiently secure to prevent the escape of such animal as well as prevent access by persons other than the keeper. The enclosure or cage shall not be kept or maintained within three hundred (300) feet of the boundary line of any property upon which is located any public park, playground, public building or residence of another.

(b.) Application to scientific establishments. This section shall not apply to any scientific establishment which keeps such animals for scientific purposes, nor to the premises of any veterinary hospital, provided such establishments provide adequate security and protection from such animals.

State law reference: Liability for vicious animals, Code of Ala. 1975
Section 3-1-3.

Section 4-2. Bees and bee hives; keeping near schools, parks, or residence.

It shall be unlawful for any person to keep or maintain bees or bee hives within one hundred fifty (150) feet of the boundary line of any property upon which is any school ground, public park or public playground in the city or within three hundred (300) feet of the boundary line of any property upon which is the residence of another person in the city.

Section 4-3. Reasonable dog and cat owners; public nuisance.

- (a) All owners of cats or dogs *in* the corporate limits of the city are expected and required to exercise control over the animal *in* such a manner and to such an extent as to prevent damage, inconvenience, annoyance or alarm to others. It shall therefore be unlawful and constitute a public nuisance for any person, including those that own, control or maintain any cat or dog *in* such a manner that the same is allowed or permitted to commit or engage in any of the following acts or conduct:
- (1) Damage the property of another, including, but not limited to, damages to shrubs, flowers or other vegetation, entering into or searching through garbage and other waste receptacles, defecating upon the property of another, entering into, over or upon automobiles or motor vehicles of others *in* such a manner as to scratch, dent, mark or otherwise damage the same.
 - (2) Habitually or repeatedly chases, attacks, barks, snaps, or engages *in* overtly hostile or aggressive behavior towards others, including, but not limited to, children, pedestrians, joggers, bicyclers, or other vehicles or other animals lawfully at large *in* the presence of their owner or upon property of the owner.
 - (3). Hunting, stalking or attacking animals or fowl, whether wild or domesticated, on the property of another.
- (b) It shall also be unlawful and shall constitute a public nuisance for any person that owns, controls or maintains any cat or dog within the corporate limits of the city *in* such a manner that the area in which the animal is kept is habitually in an unsanitary condition or results in offensive odors, damage to the animals, damage to the public health, safety or welfare, or is maintained in such a manner as to create the potential for the breeding and transmission of diseases or obnoxious odors.

Section 4-4. Limitations on number of cats.

- (a) It shall also be unlawful for any person to keep or board on such person's premise within the corporate limits of the city more than three (3) cats. Provided, however, this section shall not apply to kittens under the age of three (3) months.

(b) A violation of tills section existing at the adoption of tills section may continue, however, additional cats shall be prohibited,

Section 4-5. Running at large prohibited.

- (a) It shall be unlawful for the owner of any dog to allow or permit such dog to be at large unconfined or able to travel on public property of another in the city unless such dog is restrained by a leash, rope or chain of not more than ten (10) feet in length and of sufficient strength to control the actions of such dog.
- (b) It shall be no defense in any prosecution for a violation of tills section that such dog was at large without the knowledge, consent or permission of the person charged with such violation.

State law reference: similar provisions, Code of Ala. 1975 section 3-1-5

Section 4-6. Killing certain dogs.

The animal control officer or any police officer of the city exercising police authority is authorized to kill any dog running at large contrary to the provisions of any section of this chapter, provided that such officer has tried to capture such dog by every reasonable means or to locate the owner and such dog, in that officer's opinion, constitutes a menace or nuisance to the public health, safety or welfare.

Section 4-7. Female dogs or cats in season to be confined.

- (a) It shall be unlawful for the owner of any female dog or cat to permit such dog or cat, while she is in season, to be within the city unless confined in such a manner as to prevent access to her by other animals.
- (b) It shall be no defense in any prosecution for violation of tills section that other dogs or cats had entered the area of confinement without the knowledge, consent or permission of the persons charged with such violation.

State Law References: Liability for injury by dog Code of Ala. 1975 SS 3-6-1 EtSeq.

Section 4-8. Chaining, tying, staking, or tethering of any animal

It shall be unlawful for the owner of any dog, cat, horse, etc. to tie, chain, tether, or stakeout such animal, unless this is being done to provide time to clean and sanitize the existing pen, house, cage, or fenced in area in which the animal is normally kept. This method of animal confinement has in the opinion of the town officials increased the threat of animal attacks. Town officials believe that by implementing this section into the animal ordinance, it will provide for not only citizens well-being, but also animals well-being. This amendment to Animal Ordinance #176 becomes affective on the 7th day of July, 2014.

Section 4-9. Enclosures-Sanitary requirements; enforcement.

(a) For the protection of the public health, it shall be the duty of every person who keeps any dog in an enclosure within the city limits at all times to maintain the premises or area where such dog is confined in a sanitary condition to prevent the hatching of any fly or insect larvae, to prevent offensive or noxious odors emanating there from and to comply with all reasonable requirements and directions given by the animal control officer or health officer pertaining to public health, sanitation, fly or insect larvae control and to prevent offensive odors .

(b) Any person having care, custody or control of such premises where Any dog is kept confined or in an enclosure who is given written notice by the animal control officer or health officer indicating any conditions which exist in violation of the provisions of this section and who fails to remedy such conditions within five (5) days from the receipt of such notice shall be guilty of an offense.

(c) It shall be unlawful for any person who fails within five (5) days after the receipt of such notice from the animal control officer or the health officer to correct the conditions pointed out therein to further keep or maintain such dog or dogs within the city.

Section 4-10. Same Location.

It shall be unlawful for any person to keep or board on such person's premise within the city limits more than three (3) dogs where any point of the enclosure of the dogs is less than three hundred (300) feet from the residence or dwelling of another person, unless such person operates a licensed kennel, veterinary office, humane society or the city's animal shelter. Provided, however, this section shall not apply to puppies under three (3) months.

Section 4-11. Continuous barking prohibited.

(a) Definitions:

(1) "Bark", "Barks", or "Barking" shall mean barking, yelping, howling, growling or otherwise making noise.

(2) "Continuously", in regard to barking, shall mean barking which occurs during the majority of any ten minute period.

(b) Prohibition. It shall be unlawful for any person in charge or control of any premises within the city to have or allow upon such premises any dog which barks continuously.

Section 4-12. Rabies Control.

It shall be unlawful for any person within the city or police jurisdiction to fail to comply with any state law pertaining to rabies or rabies control or inoculation or animals against rabies.

State Law References: Rabies Code of Ala. 1975 SS3-7A-1 et seq.

Be it Further Ordained that all further terms and conditions of said Ordinance, as last amended, are hereby adopted except as herein provided.

Read, adopted and approved on this the __ of _____ 2009.

TOWN OF THORSBY, Alabama, a
municipal corporation.

BY _____
Mayor

AUTHENTICATED:

Town Clerk

