

ORIGINAL

CITY OF BAYOU LA BATRE

ORDINANCE NO. 2001-455

AN ORDINANCE AMENDING ORDINANCE NO. 453 REGULATING THE KEEPING OF DOGS, CATS, ANY ANIMAL OR FOWL, DOMESTICATED OR WILD IN THE CITY OF BAYOU LA BATRE, ALABAMA

WHEREAS the **CITY OF BAYOU LA BATRE** has determined that certain amendments to the animal control ordinance which is currently in effect are necessary to effectuate and implement more efficient means of animal control in the **CITY OF BAYOU LA BATRE**; and

WHEREAS the **CITY OF BAYOU LA BATRE** has determined that such amendments are in the interest of the public health, safety and welfare of the citizens of the **CITY OF BAYOU LA BATRE**.

BE IT HEREBY ORDAINED BY THE CITY OF BAYOU LA BATRE, ALABAMA, that Ordinance No. 453, is hereby repealed in its entirety and replaced with the following:

SECTION I. OFFICE OF ANIMAL CONTROL OFFICER CREATED.

- (a) There is hereby created within the City of Bayou La Batre, Alabama, the position of Animal Control Officer. The Animal Control Officer shall be under the supervision, direction and control of the City of Bayou La Batre Police Department. The Animal Control Officer shall be supervisor over the City of Bayou La Batre Animal Shelter and over employees assigned to the City of Bayou La Batre Animal Shelter. All enforcement officers assigned to the City of Bayou La Batre Animal Shelter shall hereafter be known as Animal Control Officers. Any law enforcement officer of the City of Bayou La Batre may act as Animal Control Officer.
- (b) It shall be unlawful for any person knowingly and willingly to oppose or resist the Animal Control Officer in executing or attempting to execute any lawful process or in the discharge of any regular duty, or in any way to interfere with, hinder, or prevent any such officer from discharging his duty.

SECTION II. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this chapter.

ANIMAL CONTROL OFFICERS All enforcement officers assigned to the City of Bayou La Batre Animal Shelter; any law enforcement officer of the City of Bayou La Batre may be an Animal Control Officer.

AT LARGE Any animal which is not upon the property of its owner or person-in-charge and not carried by such person, or kept in an effective enclosure or under control by means of a leash to prevent its free movement so as to prevent said animal from freely charging or attacking a person or animal or to prevent the animal from roaming the city unattended.

BITTEN Seized with teeth or jaws, such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a licensed physician.

CAT Shall mean and include all members of the feline family.

CITY OF BAYOU LA BATRE ANIMAL SHELTER The place designated or used as such by the City for a place of confinement for animals held under the authority of this Ordinance.

DANGEROUS ANIMAL An animal that exhibits dangerous behavior in Present or past conduct, including but not limited to:

1. Evidence that the animal has, without provocation, bitten or attacked a person and/or animal three (3) times in a consecutive twenty four (24) month period;
2. Did bit or attack once, causing wounds or injuries creating a potential danger to the health or life of the victim;
3. Could not be controlled or restrained at the time of a bite or attack upon an animal or person.

DOG Shall mean and include all members of the domestic canine family.

DOMESTICATED ANIMAL Shall mean, but is not limited to rabbits, squirrels, racoons, pot-bellied pigs or any other animal used as a pet.

FOWL Chicken, turkey, ducks, geese, guineas or other domestic fowl.

LIVESTOCK Horses, mule donkeys, oxen, sheep, goats, cows, buffaloes and swine, or any one of them.

REPTILES Boa, python, venomous snakes, alligators or the like or anyone of them as a pet.

PERSON-IN-CHARGE Any person in whose charge the animal is being kept, and all the responsible adult members of the household in which an animal is kept, allowed or suffered to remain.

STRAY ANIMAL Any animal running at large, the owner or person in charge of which is unknown.

VICIOUS ANIMAL An animal that is known to have bitten or attacked a person or other animal without provocation or cause; or which chases or runs after any person or vehicle in or upon which a person is riding or which attempts to bite or attack a person or other animal without provocation shall be deemed to be vicious.

SECTION III. LIVESTOCK & FOWL.

(a) General Prohibition

It shall be unlawful for any person to keep any livestock or fowl within the city limits of the City of Bayou La Batre.

(b) Exceptions

- (1) This section shall not apply to persons who have existing livestock or fowl within the city limits prior to adoption of this Ordinance. Animal Control Officers shall make full inventory of livestock and fowl currently maintained within the city limits at the time of adoption of this Ordinance.
- (2) This section shall not apply to those who's property is annexed in the future should those property owners maintain livestock or fowl upon the property prior to annexation.

(c) Condition of Premises

If the premises, exempted from this section as described in paragraph (b), where livestock or fowl are kept shall not be free from objectionable or unsanitary droppings, refuse and odors, or shall be in such condition as to breed flies, the Animal Control Office shall notify the owner or person-in-charge of the animals or fowl to remove such objectionable matter or condition within a reasonable time to be fixed by the Animal Control Officer, and if such objectionable conditions are not

cured within such time as is specified, the Animal Control Officer shall issue a citation to the owner or person-in-charge.

(d) Livestock or Fowl at Large

It shall be unlawful for any owner or person-in-charge exempted by paragraph (b) to knowingly, voluntarily or willfully permit any such livestock or fowl to be at large within the city.

(e) Horse Stable Permit

Any person desiring to open, operate or be in charge of a horse stable within the City of Bayou La Batre must obtain a permit therefor. The application for permit will be maintained by Animal Control and will indicate the number and type of horses, the name, address and phone number of the owner or person-in-charge of each, and the vet contact number. The cost of a stable permit will be one hundred fifty dollars (\$150.00) for a new permit and one hundred dollars (\$100.00) for a yearly renewal. A petition must be signed by all neighbors within five hundred (500) feet who consent to the permit.

The petition and application will then be forwarded to the Planning Commission along with plan showing at a minimum the boundaries of the proposed pasture area and the proposed stable area with square footage per animal indicated thereon. The Planning Commission will then make a recommendation to the City Council. If approved and the stable becomes operational, Animal Control Officers will conduct an inspection of the facility to determine whether the condition of the premises is in compliance with Section III (c) of this Ordinance. A stable exists where two or more horses are kept.

This section does not apply to stables existing within the City of Bayou La Batre prior to the adoption of this Ordinance nor to newly annexed properties where stables existed and were operated immediately prior to annexation.

SECTION IV. DOGS AT LARGE.

(a) General Prohibition

No owner or person in charge of a dog shall permit the dog to be at large at any time within the City limits of Bayou La Batre.

(b) Owner Liability

If the owner of a dog carelessly manages a dog or permits it to go at large, and another person, without fault on such other person's part, suffers damage thereby, such owner shall be liable for such damages.

(c) Exception

It is not a violation of this section for owner or person to allow a cat or domesticated animal to go at large.

(d) Keeping of Vicious Animal

It shall be unlawful for any person who owns or keeps a vicious animal to fail to keep the vicious animal securely confined or restricted so that it cannot harm any person coming upon the premises, or carelessly or negligently permit the vicious animal to go at large.

(e) Keeping of Dangerous Animal

It shall be unlawful for any person to own or keep a dangerous animal within the city limits of Bayou La Batre and any dangerous animal within the city limits is hereby declared a danger to the health, safety and welfare of the community. Animal Control Officers or police officers, upon learning or determining that an animal is dangerous, shall direct the owner or person-in-charge of the animal to immediately surrender the animal to Animal Control or police officers.

It shall be unlawful for any person to fail to obey this order or to remove the animal from the city limits without first surrendering the animal. Once the animal is surrendered, the owner or person-in-charge shall be summoned to the Municipal Court for disposition of the animal to be determined by the Municipal Court Judge of the City of Bayou La Batre.

The dangerous animal may be ordered by the Municipal Judge to be euthanised or destroyed in a humane manner by Animal Control. In lieu of euthanasia, the Judge may determine an alternate option of disposition so long as the animal is removed from the city limits and will not create a dangerous risk to other persons outside the city limits. Any owner or person-in-charge violating the requirement to surrender the animal shall be guilty of failure to surrender a dangerous animal.

(f) Promoting Animal Fighting

It is unlawful for any person to promote, permit, stage, hold, engage, conduct, carry on or attend any game, exhibition, contest, fight or combat involving one or more animals or involving humans and animals.

It shall be unlawful for any person to house, control or raise any animal(s) for the purpose of animal fighting as prohibited in this section.

SECTION V. SEIZURE OF DOGS AT LARGE

(a) Police Officer's Duty to Notify Animal Control of Dog at Large; Procedure for Seizure of Dog at Large

It shall be the duty of every police officer in the City, upon discovering a dog at large within the City, to promptly notify the Animal Control Officer. It shall be the duty of the Animal Control Officer when so notified, or whenever the Animal Control Officer observes any dog at large, to immediately seize the dog and confine it in the City Animal Shelter and if said dog is licensed by the City, to make a reasonable effort to notify the owner. Any dog found unlawfully to be at large within the City is hereby declared a nuisance and shall be seized and confined by the Animal Control Officer, and cared for in a humane manner for a period of not less than seven (7) days.

(b) Return of Dog to Owner Permitted

In addition to, or in lieu of, confining a dog found unlawfully at large when the owner or person in charge of said dog is known to the Animal Control Officer, the Animal Control Officer may return the dog to the owner or person in charge and issue a citation for violation of this Ordinance.

(c) Notice to Owner of Confinement of Dog

Immediately upon confinement of dogs, the Animal Control Officer shall make reasonable effort to ascertain the identity of and notify the owner or person in charge of such dogs of their confinement and of the conditions under which they may regain possession of such animal.

SECTION VI. NOISY ANIMALS.

(a) Residential Neighborhood Prohibition Against Keeping of Noisy Animals

It shall be unlawful and a nuisance for any person to keep on a residential lot or premises any animal or group of animals, known to said person, habitually, continuously, or intermittently to make or emit sounds or noises of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent property.

(b) Other Areas Prohibition Against Keeping of Noisy Animals

It shall be unlawful and a nuisance for any person to keep on any tract, lot or premises within the City any animal or group of animals whether the same is housed in a corral, kennel, building or other structure(s) under such circumstances that the

sounds or noises emitted by said animals are of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes.

(c) Abatement of Noise; Enforcement

Any owner or person in charge violating this section shall be guilty of maintaining a nuisance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section, except upon affidavit made before, and warrant issued by a Magistrate.

Police officers or Animal Control Officers may take steps immediately to cure the situation and cause the noise to be abated, either through issuance of a citation, or impounding the animal if the owner, agent or person-in-charge cannot be found at the time of the disturbance.

SECTION VII. RIGHT OF ENTRY ONTO LAND

The Animal Control Officer of the City of Bayou La Batre shall have the right and it shall be the Officer's duty to enter upon any property, except a private dwelling house, for the purpose of capturing any dog at large, in compliance with this article.

SECTION VIII. PROCEDURE FOR REDEMPTION.

The owner of any impounded dog, cat or domesticated animal may, within seven (7) days after the dog, cat or domesticated animal is impounded, redeem the dog, cat or domesticated animal by paying the City the sum of twenty-five dollars (\$25.00) for impounding and four dollars (\$4.00) per day for the keep of said dog, cat or domesticated animal, or such expense as was incurred by the City in keeping said animal ; but if said dog, cat or domesticated animal is not currently licensed by the City, the owner must also secure a City license, after exhibiting evidence that the dog, cat or domesticated animal has been inoculated against rabies.

SECTION IX. DISPOSITION OF UNREDEEMED DOGS, CATS OR DOMESTICATED ANIMALS.

(a) Adoption or Humane Destruction

In the event any impounded dog, cat or domesticated animal is not redeemed within seven (7) days after the same is impounded and the dog, cat or domesticated animal does not bear a current City license, or if after seven (7) days from the time notice is mailed to the owner of that dog, cat or domesticated animal has been picked up and said dog, cat or domesticated animal bears a current City license, the Animal control

Officer may, at such Officer's discretion, place said dog, cat or domesticated animal in a home or adopt out to a third party for expenses incurred, or turn dog, cat or domesticated animal over to the Humane Society for adoption, or the Animal Control Officer may destroy said dog, cat or domesticated animal in a humane manner.

(b) Humane Destruction of Nuisance (Not Inoculated) Animals

After a dog, cat or domesticated animal has been confined for a period of time as provided in this Section and if the owner or person in charge entitled to possession fails to make application for release of such dog, cat or domesticated animal as herein provided, or fails to pay the charges as provided by Ordinance of this City, or fails to pay the proper inoculation for rabies, or if such satisfactory evidence as required by Ordinance was not provided, then such dog, cat or domesticated animal is hereby declared a nuisance and a danger to the health, safety and welfare of the City; and the authorized Animal Control Officer shall cause such dog, cat or domesticated animal to be humanely destroyed as herein provided; however, any dog, cat or domesticated animal under two (2) weeks old or whose eyes have not opened since birth may be humanely disposed of upon being impounded where it has been found in violation of the Animal Control Ordinance.

(c) Authority to Use Firearm

Any Animal Control Officer authorized by the Chief of Police to carry a firearm, assisting in impounding any dog, cat or domesticated animal shall have the authority to shoot and kill such dog, cat or domesticated animal if, in attempting to capture the same or in otherwise keeping the same, it shall become an immediate hazard to the safety of the person or to the safety of persons or animals in the immediate vicinity.

(d) Humane Destruction of Diseased Animals - Acts of Mercy

Any confined dog, cat or domesticated animal that is injured or diseased will, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian, or by the Animal Control Officer if it is agreed that such destruction is necessary to prevent unnecessary suffering, to prevent the spread of disease or because the animal is incurable. A written agreement to this effect shall be signed by those inspecting the animal and such agreement shall be retained by Animal Control for a period of one (1) year.

(e) Manner of Disposal

The Animal Control Officer when required to dispose of dogs, cats or domesticated animals shall do so by such process as is recognized by veterinary science as being a humane manner in which to destroy dogs, cats and domesticated animals.

(f) Disposal of Non-Domesticated Animals

Animals such as wild or non-domesticated, when circumstances demand, may be destroyed by the Animal control Officer or by their direction, for public safety to prevent the spread of disease and acts of mercy. Such authority shall come from the Chief of Police for animal control personnel to carry out the provisions of this order.

SECTION X. RABIES VACCINATION REQUIRED - PENALTY.

(a) Rabies Vaccination Required

It shall be unlawful for any owner or person in charge of any premises where dogs, cats or domesticated animals are kept to keep any dog, cat or domesticated animal more than three (3) months of age, thereon, which has not been vaccinated against rabies within the preceding twelve (12) months.

(b) Penalty

Any owner or person in charge in violation thereof shall be subject to a penalty not to exceed an amount equal to twice the State-approved charge for inoculation, to be imposed by the Animal Control officer or his authorized representative, in addition to the fee prescribed for the inoculation.

(c) Licensed Veterinarian

In order to be sufficient under this Ordinance, the vaccination of a dog, cat or domesticated animal shall be accomplished by a licensed veterinarian.

(d) Tag Attachment Mandatory

The serially numbered rabies tag at the time of inoculation shall at all times be attached to a collar or harness worn by the dog, cat or domesticated animal for which the tag is issued and it shall be unlawful for any person or owner in charge of any dog, cat or domesticated animal not to keep attached to said dog, cat or domesticated animal the tag evidencing the anti-rabies vaccine or inoculation as provided in this Ordinance. However, said tag need not be attached during supervised obedience training classes or animal shows.

(e) Animal Bite

Whenever the City of Bayou La Batre Police Department of an Animal Control Officer receives information that any person has been bitten by an animal required to be inoculated against rabies, the animal will be put in quarantine with a duly licensed veterinarian for observation of rabies for ten (10) days. The owner or person-in-charge will be responsible for ensuring the quarantine is carried out

immediately and at the owner or person-in-charge's expense.

A police report will be completed documenting the incident and confirmation of quarantine. It shall be unlawful for any person having knowledge that any person has been bitten by any such animal and refuse to notify promptly the Bayou La Batre Police Department or an Animal Control Officer.

It shall be unlawful for an owner or person-in-charge to refuse or fail to quarantine the animal.

Where the biting is a stray animal, the Animal Control Officer may humanely destroy the animal immediately after the bite and submit the animal's head to the state health laboratory for rabies examination.

K-9 used by law enforcement shall be exempted from the quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies, but shall be examined at the end of ten (10) days by a duly licensed veterinarian.

§ 3-7-9 *Code of Alabama* (1975).

SECTION XI. VACCINATION PERIOD.

The vaccination of dogs, cats and domesticated animals against rabies shall be good for a period of one (1) year.

SECTION XII. CONFINEMENT OF DOGS OR CATS IN HEAT.

Every female dog or cat in heat shall be kept confined by owner or person-in-charge. At any time that a female dog or cat in heat is found to be causing a disturbance of cats and dogs on adjoining premises, it shall be the duty of the owner or person-in-charge of said dog or cat to immediately confine said dog or cat in a manner so as to avoid such disturbance.

SECTION XII. DUTY TO RESTRAIN.

(a) Dogs

It shall be the duty of every owner or person in charge of a dog to keep said animal under effective restraint, while the same is within the limits of the city, whether or not said dog is upon or away from his or her premises. It shall be unlawful for the owner to person in charge of any dog to fail to keep said animal under effective restraint. Proof that a dog was not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense;

however, competent evidence that said failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the City to prove otherwise.

(b) Cats

It shall be unlawful for the owner or any person having custody or control of any cat within the corporate limits of the City known to said person to habitually cause destruction or damage to the property of another to allow said cat to run at large. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to paragraph (b) of this Section except upon affidavit made before, and warrant issued by a Magistrate.

(c) Defecation on Another's Property

No owner or person-in-charge of a dog shall permit such animal to defecate on another person's property. Such owner or person-in-charge shall, while walking such animal, utilize a leash type device to prevent the animal from defecating on other person's property. It shall be the duty of the owner or person-in-charge to remove and dispose of any feces deposited by said animal upon the grounds of any public park or public place, upon any residential lot of another occupied for human habitation, or upon any right-of-way adjacent thereto. Such removal and disposal shall be done on demand by the owner or occupant of such property or by the Animal Control Officer.

(d) Condition of Premises

The premises where cats, dogs or any other animal is kept shall be free from objectionable or unsanitary droppings, refuse and odors, or in a condition to breed flies or infestation of fleas. Unsanitary or inhumane living conditions for these animals will not be allowed. Animal Control Officers shall notify the owner or person-in-charge of the premises to remove such objectionable matter or cure such condition within a reasonable time, to be fixed by the Animal Control Officer, and if such condition is not remedied within the time so fixed, the Animal Control Officer shall issue a citation to the owner or person-in-charge. Animals found in cruel, abusive or neglectful situations may be promptly impounded if the life or health of the animal is at risk. If no contact is immediately made with the owner, then a written notice shall be left indicating the location of the animal and the reason for impoundment. The animal may remain impounded until the condition of the premises has been corrected.

An owner or person-in-charge of a dog shall provide adequate shelter from the elements if the dog is kept outside. Adequate food and water shall be made available to the animal. Where a dog is humanely tied to a runner, such runner shall be a minimum of twenty (20) feet long and the animal shall have a minimum shade area

or structure that allows the animal to escape direct sunlight.

No animal shall be restrained with a leash or humane restraining device that is less than six (6) feet long (unless walking or training such animal).

No animal shall be placed, confined or allowed to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or welfare of the animal because of temperature, lack of food or water, or such other conditions as may reasonably be expected to cause suffering, disability or death.

(e) Right of Entry to Inspect

The Animal Control Officer shall have the right and it shall be the Officer's duty to enter upon any property, except a private dwelling house, for the purpose of inspecting any living condition for an animal for which there is a reasonable suspicion to believe that there exists thereupon a violation of this Ordinance.

SECTION XIV. STRAY DOGS MAY BE TAKEN UP.

Any person in the City finding any dog running at large about his premises or residence, or the residence of which he is in charge, may have such animal confined by the Animal Control officer as an at large animal or stray.

SECTION XV. HUMANE TRAPS.

- (a)** The Animal Control Officer is hereby authorized, in order to apprehend animals in violation of this Ordinance, which are otherwise difficult to apprehend, to use traps designed humanely to capture said animals by placing the same upon any public property of the City, upon the right of way of any public street or highway or upon the private property of any person granting permission therefor.
- (b)** It shall be the duty of the Animal Control Officer to check such traps daily and remove captured animals therefrom to the City Animal Shelter where they shall be disposed or treated as otherwise provided herein.
- (c)** It shall be unlawful for any person to molest or tamper with any such trap, or to remove any animal captured in any trap or to interfere with the Animal Control Officer in setting or servicing any such trap.
- (d)** Any owner or person-in-charge of any premises within the City may set their own humane trap on such premises for the purpose of removing any animal, except songbirds, which has entered into the premises.

- (e) It shall be the duty of the owner or person-in-charge to check such trap daily and deliver any animal captured therein to the City Animal Shelter or to the animal's owner.
- (f) Any owner or person-in-charge of any dog captured in a humane trap which is off the premises of the owner or person-in-charge thereof shall be prima facie presumed to have allowed, suffered or permitted such animal to be or run at large. Any time a dog is captured by use of such trap, and the owner or person-in-charge is known or becomes known to the Animal Control Officer such owner or person-in-charge shall be given a citation to appear in City Court as provided hereafter.

SECTION XVI. CRUELTY TO ANIMALS.

- (a) Any person who commits any of the acts enumerated hereafter shall be guilty of a misdemeanor:
 - (1) any person who overrides, overdrives, overloads, drives when overloaded, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, abandons or cruelly kills or causes or procures to be overridden, overdriven, overloaded, driven when overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, abandoned or cruelly killed any animal; or
 - (2) any person having the charge or custody of such animal, either as owner or otherwise, inflict unnecessary cruelty upon same, or fails to provide the same with proper food, drink or protection from the weather, or cruelly drives or allows to be ridden or overdriven when unfit for labor; or
 - (3) any person who, having the charge or custody of any animal known to him to require medical treatment or care in order to prevent unjustifiable physical pain, suffering or death, who having such knowledge fails to provide proper treatment and care, or in the alternative to cause said animal to be humanely disposed of; or
 - (4) any person who unlawfully or maliciously kills, disables, disfigures, or injures any animal, without good excuse.
- (b) **Exception**

This section shall not be construed as prohibiting the dehorning or castration of cattle, sheep or goats.

SECTION XVII. PENALTY FOR VIOLATION.

(a) Municipal Offense Ticket

Violations of this Ordinance shall be punishable by the issuance of a Municipal Offense Ticket. When any animal is found by the Animal Control Officer to be in violation of any provision of this Ordinance, and the person or persons responsible become known to the Animal Control Officer, he may issue a Municipal Offense Ticket to such responsible person or persons.

(b) Schedule of Fines

The "Schedule of Fines for Violations of Animal Control Ordinance", which is hereby incorporated by reference in its entirety as an addendum to this Ordinance, sets forth applicable fines and mandatory court appearances for the various violations of this Ordinance.

Any person violating any provision of this Ordinance may at his election be punished as provided in the "Schedule of Fines for Violations of Animal Control Ordinance" which is hereby incorporated by reference in its entirety as an addendum to this Ordinance, by remitting the fine and court costs as provided therein to the Municipal Court Clerk of the City of Bayou La Batre; or by appearance before the Municipal Judge of the City of Bayou La Batre, where a sentence of a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and or imprisonment of up to six (6) months in the City of Bayou La Batre Jail may be imposed.

**SECTION XVIII. ANIMALS SUSPECTED OF HAVING RABIES
DECLARED NUISANCES; IMPOUNDMENT OF THE SAME.**

Any animal suspected of infection with rabies is hereby declared to be a public nuisance and a danger to the health and safety of the community. The Animal Control Officer may take up and confine any such animal.

SECTION XIX. SEVERABILITY.

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect the enforceability of any other provision hereof.

SECTION XX. EFFECTIVE DATE, LICENSING.

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bayou La Batre, Alabama, and upon publication as required by law.

SECTION XXI. SUPERSEDES CLAUSE.

This Ordinance, when adopted, specifically overrules and supersedes Ordinance No. 453 of the City of Bayou La Batre, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BAYOU LA BATRE, ALABAMA THIS THE 13th DAY OF NOVEMBER, 2001.

CITY OF BAYOU LA BATRE



STAN WRIGHT, Mayor

ATTEST:



IMELDA B. McCLELLAN, Clerk

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, IMELDA B. McCLELLAN, City Clerk of the City of Bayou La Batre, Alabama, do hereby certify the foregoing to be a true and exact copy of a Resolution approved and adopted by the City Council of the City of Bayou La Batre, Alabama, at its meeting held on the 13th day of November, 2001.



IMELDA B. McCLELLAN, CITY CLERK

CITY OF BAYOU LA BATRE
ORDINANCE NO. 2001-455

**Amended Schedule of Fines Amending Ordinance No. 453
for Violations of Animal Control Ordinance**

<u>Infraction</u>	<u>Section</u>	<u>Fine & Penalty</u>	<u>Court Cost</u>	<u>Total</u>
Allowing dog to defecate on another's property	XIV (C)	1 st -\$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Animal restrained by leash or restraining device less than six (6) feet long	XIV (D)	1 st -\$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Cat at large/ destruction damage to property	XIV (B)	1 st -\$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Cruelty to animals	VII (C)	1 st - \$200	\$138	\$338
		2 nd - \$500	\$138	\$638
		3 rd - Court	----	----
Dog on runner less than twenty (20) feet long	XIV (D)	1 st -\$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188

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<u>Infraction</u>	<u>Section</u>	<u>Fine & Penalty</u>	<u>Court Cost</u>	<u>Total</u>
Dog at large	V (A)	1 st - \$10	\$138	\$148
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Fowl at large	III (B)	1 st - \$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Failure to quarantine animal that has bitten	XI (E)	1 st - Court	----	----
		2 nd -	----	----
Failure to notify authorities of bite	XI (E)	1 st - Court	----	----
		2 nd -	----	----
Failure to obtain rabies vaccination	XI (A)	1 st - \$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Failure to attach rabies tag	XI (D)	1 st - \$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Failure to surrender dangerous animal	V (C)	1 st - Court	----	----
		2 nd -	----	----
Failure to confine dog/cat in heat	XIII (A)	1 st - \$25	\$138	\$163
		2 nd - \$50	\$138	\$188
		3 rd - \$100	\$138	\$238

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<u>Infraction</u>	<u>Section</u>	<u>Fine & Penalty</u>	<u>Court Cost</u>	<u>Total</u>
Failure to provide adequate shelter/food and or water	XIV (D)	1 st -\$25	\$138	\$163
		2 nd - \$50	\$138	\$188
		3 rd - Court	----	----
Interfering/ opposing Animal Control Officer	I (B)	1 st - Court	----	----
		2 nd -	----	----
		3 rd -	----	----
Keeping of a dangerous animal	V (E)	1 st - Court	----	----
		2 nd -	----	----
Keeping prohibited livestock in city limits	III (A)	1 st -\$25	\$138	\$163
		2 nd - \$50	\$138	\$188
		3 rd - Court	----	----
Keeping prohibited fowl in city limits	III (A)	1 st -\$25	\$138	\$163
		2 nd - \$50	\$138	\$188
		3 rd - Court	----	----
Livestock at large	III (B)	1 st -\$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Noisy animals	VII (A)	1 st -\$15	\$138	\$153
		2 nd - \$25	\$138	\$163
		3 rd - \$50	\$138	\$188
Operating illegal horse stable	III (C)	1 st - Court	----	----
		2 nd -	----	----

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<u>Infraction</u>	<u>Section</u>	<u>Fine & Penalty</u>	<u>Court Cost</u>	<u>Total</u>
Promoting animal fighting	V (F)	1 st - \$100 2 nd - Court	\$138 ----	\$238 ----
Refusing to allow inspection	XIV (E)	1 st - Court 2 nd -	---- ----	---- ----
Tamper with animal trap/ removing animal from trap/interfering with ACO in setting/servicing trap	XVI (C)	1 st - Court 2 nd - 3 rd -	---- ---- ----	---- ---- ----
Unsanitary living condition- fowl/livestock	III (A)	1 st -\$25 2 nd - \$50 3 rd - Court	\$138 \$138 ----	\$163 \$188 ----
Unsanitary/inhumane living condition (any animal)	XIV (D)	1 st -\$50 2 nd - \$100 3 rd - Court	\$138 \$138 ----	\$188 \$238 ----
Vicious animal at large	V (D)	1 st - \$100 2 nd - \$200 3 rd - \$500	\$138 \$138 \$138	\$238 \$338 \$638