

# ANIMAL CONTROL ORDINANCE

**TOWN OF TAYLOR**  
**ORDINANCE NO: 2007-09-04-2**

**AN ORDINANCE REGULATING THE KEEPING OF DOGS, CATS OR DOMESTICATED ANIMALS AND FOR THE PREVENTION OF RABIES IN THE MUNICIPAL LIMITS AND POLICE JURISDICTION OF THE TOWN OF TAYLOR, ALABAMA, AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF SAME**

WHEREAS, the Mayor and Council now desire to regulate the keeping of dogs, cats, or domesticated animals; to provide for the prevention of rabies; to prescribe penalties for the violation of this Ordinance; and, to provide for the enforcement of same in the municipal limits and police jurisdiction of the Town of Taylor, Alabama; and

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Town of Taylor, Alabama, as follows:

**SECTION 1. DEFINITIONS.**

“**Animal**” means and includes all members of the canine (dog) family and all members of the feline (cat) family.

“**City Pound or Rabies Control Center**” shall mean the place so designated by the Town of Taylor or by the Houston County Board of Health, or such other person, firm, corporation, or organization or agency with which the Town may contract for the maintenance or operation of said Town pound, whether such Town is located within the limits of the Town of Taylor or elsewhere in Houston County, Alabama.

“**Complaint**” shall mean a formal accusation that an incident or condition in violation of this ordinance has occurred. A complaint must be reduced to writing on an incident report and said incident report must bear the signature(s) of the complaining party(ies) to be recognized as a complaint for purposes of this Ordinance.

“**Cat**” shall mean all members of the feline (cat) family.

“**Dog**” shall mean all members of the domestic canine (dog) family who are at least three (3) months old.

“**Animal Control Officer**” or “**Enforcement Officer**” shall mean and include the person(s) so designated by the Town of Taylor to supervise the enforcement of this Ordinance and to perform other duties as required by the Town.

**“Enclosure”** means the entire housed or fenced area where an animal is confined and also means the area where an animal is tied, chained or tethered.

**“Incident Report”** shall include the specific details of the complaint, the signature of the responding police officer, the signature of the complaining party(ies) attesting the alleged violation and shall be written on an Alabama Uniform Incident/Offense Report form or other such successor form.

**“Owner”** means and includes any person having a right of property in an animal or any person who keeps or harbors an animal or who has it in his care or who acts as its custodian or who permits an animal to remain on or about any premises occupied by him.

**“Ordinance”** means and includes the provisions of this Ordinance regulating the keeping of dogs, cats or domesticated animals and for the prevention of rabies in the municipal limits and police jurisdiction of the Town of Taylor, Alabama, and to prescribe penalties for the violation of same.

**“Run at Large”** shall include all times and places when an Animal is not confined or enclosed within a wall, fence or other enclosure including electronic wireless fencing or wired “invisible fencing” with appropriate battery backup power sources located on the premises of the owner or person in charge in such manner as to effectively prevent escape of the animal, or is not attached to a leash in the hands of said owner or person in charge.

**“Town” or “City” or “Taylor”** means and includes the Town of Taylor, Alabama, as governed by the Town Council of the Town of Taylor, Alabama, and the law of the State of Alabama as may be amended from time to time.

**“Vicious dog”** shall include:

- A. Any dog with a known propensity, tendency or disposition to attack unprovoked or to cause injury to or otherwise threaten the safety of human beings or domestic animals;
- B. Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- C. Any dog which, without provocation, attacks or bites or has attacked or bitten a human being or animal;
- D. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;

\*State law references - Cruelty to animals, Code of Ala. 1975, §§ 3-1-10, 13A-11-14 and Sections 13A-11-240 through 13A-11-247; municipal Ordinances relating to animals running at large, § 3-5-14; rabies, § 3-7A-1 through 3-7A-15, et seq.; impoundment and disposition of certain animals, § 11-47-110 Code of Ala. 1975.

## **SECTION 2. VACCINATION-REQUIRED.**

It shall be unlawful for any person to possess, keep or harbor in the Town or the police jurisdiction thereof, any animal that has not been vaccinated as provided in the following section within the preceding twelve (12) months.

\*State law reference - Inoculation of animals generally, Code of Ala. 1975, §§ 3-7A-1 through 3-7A-15.

**SECTION 3. PROCEDURE - VACCINATION COMPLIANCE.**

- A. In order to be sufficient under this article, every owner of an Animal shall cause said Animal to be immunized pursuant to Code of Ala., 1975, §§ 3-7A-1 through 3-7A-15. Such vaccination shall be evidenced by a tag attached to such Animal showing that such Animal has been vaccinated for rabies as required by the laws of the state within the preceding twelve (12) months.
- B. The inoculation of Animals pursuant to the requirements of this article must be made in accordance with the law of the state which is set forth specifically in Code of Ala. 1975, § 3-7-1 through 3-7-13; by virtue of the express authority of § 11-45-1 of said Code, the state law relative to rabies control as set forth in Code of Ala. 1975, §§ 3-7A-1 through 3-7A-15 is adopted by reference and made a part of this article as though set out fully herein.

\*State law references - Inoculation certificate and tag, Code of Ala. 1975, §3-7A-2; state board of veterinary medical examiners, Code of Ala. 1975, § 34-29-63 et seq.; certificates of qualifications of veterinarians, § 34-29-72 et seq.

**SECTION 4. NOISY DOGS.**

- A. It shall be unlawful for any person to confine, harbor or keep at any place or on any premises within the Town and the police jurisdiction thereof any dog which frequently and habitually makes or emits sounds or noises of such volume, nature or extent as to be a public nuisance by reason of interfering with the customary use and enjoyment of property of ordinary persons in that neighborhood.
- B. In keeping with the spirit of communities, persons within the corporate boundaries of the Town of Taylor are encouraged to address concerns of alleged violations of this section with the dog owner prior to seeking assistance from the City.
- C. Complaints regarding noisy dogs must be filed with the Town of Taylor Police Department. The procedure for abatement of a noisy dog shall be incorporated into this Ordinance as follows:

- (1) Upon first complaint to the Police Department of a noisy dog, the responding police officer shall complete an incident report relating the facts of the complaint to be signed by the complaining party(ies). As it relates to noisy dogs, multiple complaints within a single twenty-four (24) hour period will constitute a single complaint.
  - (a) After completing a signed complaint, the officer shall also attempt to notify the owner of the dog to advise said owner that the dog is alleged to be in violation of Section 4 of this Ordinance and shall issue a verbal warning detailing the complaint. The responding officer shall also advise said owner that an incident report detailing said complaint will be filed with the Police Records Division of the Town of Taylor Police Department. Said incident report shall remain on file at the department for a minimum period of two (2) years and that subsequent complaints may result in mandatory mediation and/or appearance in Municipal Court.
  - (b) If the responding officer is unable to contact said owner at such time the complaint is made, in such an event, the Town of Taylor Police Department shall send a written warning in the U.S. mail, first class postage prepaid, certified-mail return receipt requested within ten (10) business days of said incident. The most recent record on file in the Houston County Tax Assessor's office shall determine said owner. Said warning shall detail the complaint and advise the dog owner that subsequent complaints may result in mandatory mediation and/or appearance in Municipal Court
- (2) Upon a second complaint of a noisy dog within any continuous ninety (90) day period which includes a prior complaint, the responding police officer shall complete a subsequent incident report signed by the complaining party(ies) upon which the Municipal Court Clerk shall summons both the complaining party(ies) and alleged offending party to mandatory mediation at a date to be determined and set by the Municipal Court Clerk.
- (3) Upon a third complaint of a noisy dog within any continuous ninety (90) day period which includes two prior complaints, the responding officer shall complete an incident report and the complaining party(ies) shall file with the Municipal Court Clerk a sworn deposition and signed complaint charging such alleged offending party with the violation of Section 4 of this Ordinance. The Municipal Court Clerk shall issue a summons, which shall be obtained, served and tried in the Municipal Court as provided by law. Failure to answer summons by the court date as set forward by the Municipal Court Clerk shall result in the issuance of a warrant charging such alleged offending party with the violation as set forth in the complaint. Such warrant shall be obtained and served and alleged

offending party shall be arrested and required to post bond, as provided by law for the arrest and adjudication of offenses involving violations of Ordinances of the Town and the alleged offending party shall be required to answer to said offense in Municipal Court. Convictions for violation of this Ordinance are subject to the fines and penalties prescribed by this Ordinance for a violation of this Ordinance, plus court costs.

- (4) At any time, the complaining party(ies) may file with the Municipal Court Clerk a sworn complaint detailing violations of Section 4 of this Ordinance to which the Municipal Court Clerk shall issue a summons charging such alleged offending party with the violation set out in the complaint, which summons shall be obtained, served and tried as provided by law. Failure to answer summons by court date as established by the Municipal Court Clerk shall result in the issuance of a warrant charging such party with the violation described in the complaint and summons and shall be obtained, served and tried as provided by law for the arrest and trial of offenses involving violations of Ordinance of the Town and violating party shall be required to stand trial in Municipal Court. Convictions for violation of this Ordinance are subject to the fines and penalties prescribed by this Ordinance for a violation of this Ordinance, plus court costs.

\*State law reference - Power of Town to abate nuisances, Code of Ala. 1975, § 11-47-117 at seq.

## **SECTION 5. REGULATIONS REGARDING VICIOUS DOGS.**

### **A. Vicious dogs.**

- (1) Vicious Dog Limitations Prohibited. Except as specifically permitted in this Ordinance, it shall be unlawful for any person, firm, or entity to own, keep, harbor, breed, raise, or maintain a vicious dog within the municipal limits of the Town of Taylor or its police jurisdiction. Licensed veterinarians shall be permitted to keep, harbor or maintain one or more vicious dogs within the municipal limits of the Town; provided however, that any duly licensed and practicing veterinarian who treats or harbors a vicious dog must provide proof to the Town clerk of public liability insurance in the amount of at least \$300,000.00 insuring said veterinarian for any personal injuries inflicted by such vicious dog.”

### **B. Pit Bull Dogs or Presa Canario:**

Except as provided for in this Ordinance, it shall be unlawful for any person to keep, harbor, own, or in any way possess within the municipal Town limits of the Town or within the police jurisdiction of the Town:

Any pit bull dogs or presa canario dog; provided, that pit bull dogs or presa canario dog owned within the Town or its police jurisdiction may be kept within the

Town subject to the standards and requirements set forth in this Ordinance.

For purposes of this Ordinance, "pit bull dog" is defined to mean: the bull terrier breed of dog; the Staffordshire bull terrier breed of dog; the American pit bull terrier breed of and characteristics of being predominantly of the bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terrier; or a combination of any of those breeds, according to the standards established by the American Kennel Club or the United Kennel Club. The A.K.C and U.K.C. standards for the above breeds shall be kept on file and available for public inspection and copying in the offices of the Town Clerk.

For the purposes of this ordinance, "presa canario dog" is defined to mean any dog which has the appearance and characteristics predominantly of the breed presa canario.

All pit bull dogs or presa canario dogs owned, kept or harbored within the Town or its police jurisdiction at the time of the adoption of this Ordinance shall be registered with the Town within thirty (30) days of the effective date of this Ordinance as required in this Ordinance, below. After the expiration of thirty (30) days from the effective date of this Ordinance, all of pit bull dogs or presa canario dogs owned, kept or harbored within the Town or its police jurisdiction and shall be registered with the Town within fourteen (14) days of the date the said pit bull dogs or presa canario are brought into the municipal limits or police jurisdiction of the Town, as required by this Ordinance below. The keeping of such dogs, however, shall be subject to the following standards and requirements:

(1) Lease and muzzle.

No person shall permit a registered pit bull dog or presa canario dog to go outside its kennel or pen unless such dog is securely leashed with a lease no longer than four (4) feet in length. No person shall permit a pit bull dog or presa canario 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, all pit bull dogs and presa canario dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement.

All registered pit bull dogs and presa canario dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and secure top attached to the sides. All structures used to confine registered pit bull dogs and presa canario dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded

in the ground no less than two (2) feet. All structures erected to house pit bull dogs and presa canario dogs must comply with all zoning and buildings regulations of the Town of Taylor. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement indoors.

No pit bull or presa canario 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 or harborers of registered pit bull dogs or presa canario dogs within the Town of Taylor shall within ten (10) days of registration of such animal display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted in or on the kennel or pen of such animal.

(5) Insurance.

All owners, keepers or harborers of registered pit bull dogs and presa canario dogs must within ten (10) days of registration of such animal provide proof to the Town clerk of public liability insurance in the amount of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty (30) days written notice is first given to the Town clerk.

(6) Identification photographs.

All owners, keepers or harborers of registered pit bull dogs and presa canario dogs must within ten (10) days of registration of such animal provide to the Town clerk two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Reporting requirements.

All owners, keepers or harborers of registered pit bull dogs and presa canario dogs shall notify the Town clerk within five (5) days in the event that the pit bull dog or presa canario dog is lost, stolen, dies, or has a litter. All owners, keepers or harborers of registered pit bull dogs and presa canario dogs shall notify the Town clerk within ten (10) days of change of address if the said owner, keeper or harborer should move within the corporate limits of the Town of Taylor.

(8) Irrefutable presumptions.

There shall be an irrefutable presumption that any dog registered with the Town of Taylor as a pit bull dog, presa canario dog, or any of those breeds prohibited by this section (b) is in fact a dog subject to the requirements of this section.

C. Registration of Pit Bulls/Presa Canario Dogs.

Every pit bull dog (as defined above) or presa canario dog owned, kept or harbored within the Town of Taylor or its police jurisdiction upon the effective date of this ordinance shall, within thirty (30) days of the effective date of this ordinance be registered with the Town of Taylor. Such registration shall provide the name and address of the person owning, keeping or harboring such animal, the name of the animal, a description of the animal, and any and all other information deemed appropriate by the Chief of Police of the Town of Taylor. Upon registration of such animal with the Town of Taylor, the owner, keeper or harborer of such animal shall be subject to all of the requirements of Section (c) of this ordinance. Any pit bull dog or presa canario dog found within the Town of Taylor or its police jurisdiction after thirty (30) days of the effective date of this ordinance and which has not been registered with the Town of Taylor as required by this Section (d) shall be impounded and disposed of in a humane manner and the owner, keeper or harborer of such animal shall be subject to the fines and/or penalties set forth herein.

D. Exceptions.

The prohibitions and requirements of this Ordinance shall not apply to:

- (1) Any licensed animal shelter which is authorized to temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this Ordinance.
- (2) Any humane society operating an animal shelter which is registered and licensed by the Town of Taylor, which may temporarily hold any pit bull that has been received or otherwise recovered.
- (3) Any person temporarily transporting into the Town of Taylor or its police jurisdiction a pit bull for the sole purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. Any person who transports a pit bull into the Town of Taylor or its police jurisdiction for such showing shall, at all times when the pit bull is being transported with the Town of Taylor or its police jurisdiction or to and from the place of showing, keep the pit bull securely leashed and muzzled as required by subsection (c) of this Ordinance.
- (4) Any person transporting a pit bull dog or presa canario dog through the

Town of Taylor or its police jurisdiction while engaged in interstate travel through or beginning or terminating in, the Town of Taylor or its police jurisdiction. Provided, however, that any such person who transports a pit bull dog or presa canario dog through the Town of Taylor or its police jurisdiction while engaged in interstate travel shall at all times while the said dog is within the limits of the Town of Taylor or its police jurisdiction secure the said dog as required by subsection (b) of this Ordinance.

- (5) Any licensed veterinarian who keeps, or harbors any pit bull dog or presa canario dog for the purposes of treatment.

\*Sate law references - Personal injury caused by vicious animal, Code of Ala. 1975, § 3-1-3; liability of owners of dogs biting or injuring persons, § 3-6-1, et seq.

## **SECTION 6. RUNNING AT LARGE PROHIBITED.**

It shall be unlawful an Owner or person in charge of an animal to cause or permit such animal to run at large or be upon a street, sidewalk, thoroughfare or public place within the Town or its police jurisdiction, unless such animal is attached to a leash in the hands of said Owner or person in charge of said animal.

## **SECTION 7. IMPOUNDMENT-AUTHORIZED.**

Any animal found running at large in the Town or its police jurisdiction may be impounded in the shelter designated as a rabies control center or Town pound and may be there confined in a humane manner pursuant to this Ordinance. The animal control officer shall be responsible for impounding animals found running at large.

In the event an animal control officer is not available and due to the emergency circumstances related to the Animal running at large the Police Department will attempt to impound the Animal running at large. If the office can safely take control of the animal (safety for the officer and the Animal) the dog will be placed in the rear of a police patrol vehicle equipped with a prisoner screen. The Animal will be transported to an approved rabies control center animal clinic in the Town as soon as possible following apprehension. The officer will complete an Incident Offense report and "Notice of Impoundment" ticket maintained in the Communications Dispatch. (The white copy of the Notice of Impoundment shall be posted at the rabies control center, the yellow will be forwarded to the Animal control officer by Dispatch to be posted at Public Works and the pink will remain in the dispatch office.) Redemption of the Animal will be the same procedure detailed in this Ordinance.

## **SECTION 8. NOTICE OF IMPOUNDMENT.**

- A. Immediately upon the apprehension and impoundment of any Animal, the Animal control officer and the supervisor of the rabies control center, or any duly authorized employee thereof, shall make a reasonable effort to notify the owner of any such Animal so impounded and inform such owner of the conditions under

which he may regain custody of such Animal.

- B. When the Animal control officer or any duly authorized representative of the county health office and/or the Town completes a day's tour of duty in the Town, he is required to file a written report with the Town. The report will include the following information:
- (1) The names of the owners or persons in charge of such Animal, if known.
  - (2) The date and time of day said Animal was apprehended.
  - (3) The location and street address where said Animal was apprehended.
  - (4) A description of any Animal apprehended or about which a notice of violation was given to its owner or the person in charge of the Animal.
  - (5) The Animal's description shall include the color, breed, sex weight and tag information, if available.
  - (6) The Animal control officer shall include in the report all information regarding his efforts to locate the owner of said Animal.
- C. These reports shall be kept in the Public Works Department and shall be maintained for a period of three (3) years.
- D. Public notice of the impounding of Animals shall be given by posting one (1) copy of the Animal control officer's report at the rabies control center and one (1) copy of such report at the Public Works facility. Both reports shall remain posted for a period of five (5) consecutive days immediately following the apprehension of the Animals described in the report.

## **SECTION 9. IMPOUNDMENT-GENERAL PROCEDURES.**

The Animal control officer shall follow these steps in the impoundment of Animals:

- A. All Animals caught running at large and in violation of this article shall be placed in a cage attached to the motor vehicle operated by the Town.
- B. The caged motor vehicle shall transport and deliver the apprehended Animal to the Town pound or rabies control center as soon as possible following capture of the Animal, if the Animal control officer is unable to successfully locate said owner.
- C. The report described in section 8 of the preceding section shall then be delivered to the Public Works department, where the Animal control officer shall post a

copy of said report on the bulletin board.

**SECTION 10. REDEMPTION OF APPREHENDED OR IMPOUNDED ANIMALS.**

The owner shall be entitled to resume possession of an apprehended or impounded Animal or puppy, as follows:

- A. Prior to impoundment, an owner may redeem an Animal from the Animal control officer to transport and delivery to the Town pound or rabies control center immediately following capture of the Animal after he has proven ownership and compliance with the rabies inoculation requirements of this Ordinance to the reasonable satisfaction of the Animal control officer. The Animal control officer shall issue a citation for violation to the owner after ownership of the Animal has been established. The owner shall pay to the Town's Finance Department, in settlement of the alleged offense, the sum of Thirty-Five Dollars (\$35.00). The owner shall receive a receipt for said payment. A second offense by said owner of allowing a Animal to run at large within a twelve (12) month period shall require a settlement payment to the Town's Finance Department in the amount of One Hundred Dollars (\$100.00). In the event of such payment, no prosecution for the alleged offense shall thereafter be instituted or maintained in the Municipal Court . For subsequent violations within said 12-month period, the owner or person in charge of the Animal shall be summonsed to appear in the Municipal Court and, upon conviction, such person shall be subject to the fines and penalties prescribed by the State of Alabama for a misdemeanor offense, plus court costs.
- B. Upon impoundment, the owner shall be entitled to resume possession of any impounded Animal or puppy from the rabies control center, provided the owner shall have first:
  - (1) Paid to the Town's Finance Department the citation violation payment as described in paragraph (1) of this section, and all other charges imposed by the rabies control center relating to boarding, medical treatment or rabies inoculation fees.
  - (2) Executed the bond as required by paragraph (3) of this section, should the owner contest the alleged violation, and:
- C. The owner may contest the alleged violation of this article and demand a trial to the question of his guilt or innocence of such charge. If after receiving a citation for violation of this article from the Animal control officer or a "Notice of Impoundment" issued by any law enforcement officer, an owner may, in lieu of a voluntary settlement payment, as aforesaid, sign and deliver to said Municipal Court Clerk a bond, to appear in the Municipal Court, in the penal amount of One Hundred Dollars (\$100.00), together with such surety as said Municipal Court Clerk may reasonably require; or the alleged offender may demand that he be

brought promptly before the Municipal Court. Upon the execution of said bond by the owner, the Animal control officer shall deliver the apprehended Animal to said owner.

**SECTION 11.            DETENTION PERIOD, TRANSFER, DESTRUCTION OF ANIMALS.**

After a legal detention period of five (5) calendar days has expired and an impound Animal or puppy has not been claimed by its owner; the Town, through its Animal control officer, or its duly authorized agent of the rabies control center shall serve public notice not less than an additional five (5) calendar days that said unclaimed Animal or puppy is subject to destruction, sale, or disposal. Such public notice shall be placed upon the public bulletin board located in the Town of Taylor Public Works facility. Public notice of the pending destruction, sale or disposal of said unclaimed Animal or puppy shall contain a description of the Animal or puppy, its age, or if not known, its estimated age, color, sex, weight, breed, owner name and address, if determined. After the legal detention period of five (5) calendar days and no sooner than the conclusion of the additional five (5) calendar days of public notice of pending destruction, sale or disposal of the unclaimed Animal or puppy, the supervisor or duly authorized employees of the rabies control center may transfer title to and give ownership of an unclaimed Animal or puppy in the rabies control center to the humane society or to any person deemed by the supervisor to be a responsible and suitable owner, who will agree to comply with the provisions of this article, the rabies control center may, after the minimum of five (5) calendar day legal detention period and additional five (5) calendar day public notice has expired, destroy an impounded Animal pursuant to the expressed authority of Code of Ala. 1975, § 11-47-110. The intent of this section is such that no impounded Animal or puppy shall be destroyed, sold or otherwise disposed of within any time period less than ten (10) calendar days from the impounded date, unless such Animal or puppy is in a medical condition such that efforts to sustain its life would be deemed impractical by a licensed veterinary doctor.

If the name and address of the owner is known to the Town or Animal control officer, or if the Town clerk can ascertain such name and address from the Town's records, the Animal control officer shall make a reasonable effort to contact such owner not less than four (4) days prior to such destruction, sale or disposal of the impounded Animal or puppy. Saturdays, Sundays and legal holidays shall not be counted in computing the four (4) days required for such notice. The owner may redeem the Animal or puppy from the pound at any time during impoundment of the Animal or puppy prior to the time its destroyed, sold or otherwise disposed of pursuant to this Ordinance.

Any other person may redeem or purchase such Animal after the five (5) day legal detention period and after expiration of the additional five (5) day public notice of pending destruction, sale or disposal as herein above provided and before the Animal is destroyed or redeemed by the owner, in which event, the owner shall have been deemed to forfeit his right of redemption. Any such person redeeming or purchasing any such Animal or puppy shall pay to the Town pound or authorized rabies control center for the

lodging and board of said Animal, plus a fee for vaccination, if required and said Animal or puppy shall be released from impoundment.

**SECTION 12. COLLAR AND RABIES TAG REQUIRED.**

It shall be unlawful for any person to keep or harbor a Animal within the Town of Taylor, Alabama, unless such Animal shall have attached thereto a collar and a rabies tag. For purposes of this Ordinance, a rabies tag shall be the serially numbered tag by state law to be furnished to the owner of any Animal inoculated against rabies by the person who performs such inoculation. The Animal control officer may establish and identify ownership of Animals by using information on such tags in the issuance of citations pursuant to the terms and provisions of this Ordinance.

**SECTION 13. ANIMALS RUNNING AT LARGE DECLARED NUISANCE.**

Any Animal or puppy, whether or not such Animal or puppy shall have attached to it a rabies tag, running at large, shall be deemed to be a nuisance and a menace to the health and safety of the citizens, and shall be subject to being apprehended and impounded as provided in this article, and the owner or person in charge thereof subject to the penalties herein provided.

**SECTION 14. ENFORCEMENT.**

It shall be the duty and responsibility of all city law enforcement officers and animal control officers ("Enforcement Officers") to enforce the provisions of this Ordinance. Said officers shall proceed to locate or attempt to locate and Animal which is alleged to be running at large in violation of this article or otherwise in violation hereof, and if such Animal is located the Animal control officer shall apprehend and impound such Animal and deliver it to the Town pound which may be the animal clinic, shelter or facilities of a veterinarian, individual, institution or agency with whom the Town contracts for such service, and shall also file a report with the Mayor as to the place where the Animal was picked up and other pertinent facts relative to the violation.

**SECTION 15. DOMESTIC ANIMALS NUMBER RESTRICTED.**

It shall be a violation of this Ordinance for any owner, tenant, heir(s) to real property of person(s) in charge or in control of any property within the Town limits to allow or keep more than four Animals on any premises unless operating a duly licensed kennel or pet shop. Exceptions to this requirement may be granted by the Town Council when conditions are deemed appropriate.

**SECTION 16. COMMERCIAL KENNELS.**

- A. Standards. Commercial kennels may be allowed provided all of the following requirements are met:

- (1) A commercial kennel shall be developed and operated to minimize noise, odor and other objectionable effects on the area in which it is located.
- (2) A kennel can be located in industrial areas only.
- (3) Licenses for commercial kennels will be per the City Business License fee schedule.

**SECTION 17. ISSUANCE OF CITATION TO OWNER FOR ANIMAL RUNNING AT LARGE.**

Enforcement Officers are authorized to serve upon the owner or person in charge or control of any Animal or puppy found running at large in violation of this article a citation to appear in the Municipal Court of the Town at a time and date specified thereon to answer the charge of such violation; provided, however, that prior to the time such case is to be heard in the Municipal Court such owner or person charged in such citation, if he has not previously settled for or been convicted of two or more such violations within twelve (12) months from the date of such citation, may dispose of the citation by settlement in the following manner: Pay to the Town's Finance Department a fine for the offense charged in the amount of Fifty Dollars (\$50.00) if the offense charged is the first such offense by the owner or person charged within twelve (12) months from the date of such citation. If settlement of the charge set out in the citation is not made prior to 3:00 p.m. on the date the case is set for trial in Municipal Court and if the party charged fails to appear and answer such charge in the Municipal Court or it has not otherwise been disposed of by such court, a warrant shall be obtained, served and tried as provided by law for the arrest and trial of offenses involving violations of Ordinances of the Town. If a person receiving a citation as herein provided has, within the preceding twelve (12) months from the date of such citation settles or been convicted of more than two (2) such violations, then in such event he shall not be permitted to settle the instant alleged offense, but shall be required to stand trial in Municipal Court.

**SECTION 18. INOCULATION PRIOR TO RELEASE; HANDLING OF FEES BY TOWN POUND.**

Any Animal or puppy which is found running at large in the Town, or other animal suspected of infection with rabies or any vicious Animal not kept or confined as required by this Ordinance is hereby declared to be a public nuisance and danger to the health and safety of the community and it shall be the duty of the Animal control officer and his assistants to take up and impound in the Town pound such Animal or puppy as provided by this Ordinance. Any such Animal or puppy so impounded may be retaken or redeemed from pound by the owner thereof, pursuant to the provisions of this Ordinance. All expenses incurred by the Town pound or authorized rabies control center related to boarding, vaccination or medical treatment shall be paid by the Owner directly to the Town pound or authorized rabies control center. Every such Animal or puppy which has remained in the Town pound or authorized rabies control center and not been redeemed

or retaken by the owner shall be disposed of as provided by this Ordinance.

**SECTION 19. ANIMAL CONTROL OFFICER' AUTHORITY: ENCLOSED AND UNENCLOSED PREMISES.**

For the purpose of discharging the duties imposed by this article and to enforce its provisions, Animal Control Officers, and their assistants are each empowered to enter upon and enclosed and unenclosed premises upon which a Animal is running at large in violation of this Ordinance and in the presence of such Animal Control Officers or their assistants, for the purpose of obtaining information for the issuance of a citation or of impounding such Animal.

Every person who keeps any Animal within the municipal limits of Taylor or its police jurisdiction shall permit Animal Control Officers or health officers to go on the premises at any reasonable time to inspect such premises and to comply with all reasonable requirements and directions given by the Animal Control Officer or health officer pertaining to sanitation, fly or insect larvae control and the prevention of offensive odors.

**SECTION 20. INTERFERENCE WITH, OBSTRUCTION OF ENFORCEMENT OF ORDINANCE.**

It shall be unlawful for any person having charge, custody or control of any Animal to fail or refuse to permit the Animal Control Officer or health officer to inspect such animal and the premises on which it is kept to determine compliance with this Ordinance.

Any person who resists, obstructs or impedes the Animal Control Officer or health officer or any other city officer while engaged in the enforcement of this Ordinance or while in the performance of any duty or in the exercise of any authority authorized by this Ordinance or state law shall be guilty of a misdemeanor.

**SECTION 21. PENALTIES FOR VIOLATION.**

A. Any person who knowingly violates this Ordinance or fails to comply with this Ordinance shall be guilty of an offense against the Town of Taylor, Alabama. Any person found to be in violation of this Ordinance shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred (\$500.00) and/or may be imprisoned or sentenced to hard labor for the Town for a period not exceeding six (6) months at the discretion of the court trying the case. Each day a violation occurs or continues with regard to each Animal giving rise to the violation, shall constitute a separate violation hereunder.

B. Any corporation that knowingly violates this Ordinance shall be guilty of an offense against the Town of Taylor, Alabama. Any

corporation found to be in violation of this Ordinance shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). Each day a violation occurs or continues with regard to each Animal giving rise to the violation, shall constitute a separate violation hereunder.

**SECTION 22. SEVERABILITY.**

The provisions of this Ordinance are hereby declared severable. If any provision or portion of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such provisions or portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remainder thereof. All other terms and provisions of said Ordinance shall continue to remain in full force and effect notwithstanding such holding.

**SECTION 23. REPEALER CLAUSE.**

Any ordinance heretofore adopted by the Town Council of the Town of Taylor, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

**SECTION 24. RECORDING.**

This Ordinance shall be recorded in a book or file kept for that purpose, shall be authenticated by the signature of the Town Clerk and the Town Clerk shall append a certificate hereto stating therein the time that this Ordinance was posted and where this Ordinance was posted within the Town of Taylor.

**SECTION 25. PUBLICATION.**

This Ordinance shall, pursuant to ALA. CODE § 11-45-8, be published by posting copies hereof in three (3) public places within the municipality, one of which shall be at the post office or the Mayor's office in the Town of Taylor, Alabama.

**SECTION 26. EFFECTIVE DATE.**

This Ordinance and the provisions of this Ordinance shall become effective upon the passage and approval thereof by the Town Council of the Town of Taylor, Alabama and the publication by posting thereof as required by Alabama law. The effective date of this Ordinance shall be five (5) days after it is first posted as required herein and shall thereafter have the force and effect of law.

ADOPTED AND APPROVED this 4<sup>TH</sup> day of SEPTEMBER 2007, 2007.

By: Joel Napier  
Joel Napier, Mayor

Authenticated:  
[Signature]  
Town Clerk

Council Member DAWA WATTS moved that said Ordinance be adopted, which motion was seconded by Council Member KENNETH THOMPSON and, upon said motion being put to vote, the following vote was recorded:

YEAS: 6 NAYS: 0

The Mayor thereupon announced that said motion had PASSED.

I, hereby certify that the foregoing Ordinance No: 2007-09-04-2 was posted in three public places to-wit: Taylor Town Hall, Taylor Grocery, Taylor Senior Citizens Center, within the Town of Taylor, Alabama beginning the 5<sup>th</sup> day of September, 2007.

[Signature]  
Barbara F. Benton, Town Clerk