

## ORDINANCE

[To Establish Policy Regarding Vicious Animals Within the Corporate  
Limits of the City of Prattville]

### **ARTICLE II. VICIOUS ANIMALS**

**BE IT ORDAINED** by the City Council of the City of Prattville, Alabama, as follows:

#### **Sec.4-40. Definitions.**

“Animal Shelter” is defined as the company, partnership, association, organization or corporation with whom the City contracts for the purpose of impounding and caring for animals held under authority of this chapter.

“Bite” means to seize with the teeth so the skin of the person or animal seized has been wounded or pierced with a break or abrasion.

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

“Premises” means any real property titled in the name of, held in fee by, rented or leased to an individual, company or corporation.

“Severe Injury” means any injury which results in a broken bone, internal bodily injury or the death of any person or animal.

“Vicious animal” is defined as an animal that attacks, bites or inflicts severe injury to human beings, pets, companion animals, or livestock.

The owner of any animal accused of being vicious is entitled to introduce evidence that the animal was provoked or that the animal’s actions at the time of the alleged attack, bite or injury were justified. In regards to dogs specifically, no dog may be declared vicious based solely on the breed of said animal.

#### **Sec. 4-41. Confinement required.**

It shall be unlawful for any person to keep a vicious animal within the City limits unless the enclosure for said animal meets the conditions set forth by the provisions of section 4-43.

#### **Sec. 4-42. Initiation of vicious animal investigation.**

(a) When any person claims that an animal is vicious, he shall make a sworn statement before a Magistrate in the City setting forth the name of the animal’s owner, the location where the animal is being kept in the city, and the reason he believes the animal to be vicious. The sworn statement may be completed by any person having contact with the animal. The sworn statement will be delivered to the Dog Control Officer and the Dog Control Officer will complete a vicious animal investigation.

(b) Dog Control Officers are authorized to initiate a vicious animal investigation in cases where a bite or severe injury to any person or other animal has been reported.

(c) In the event the vicious animal investigation leads the Dog Control Officer to believe the allegation is founded,

(1) The Dog Control Officer will file a Summons for the owner of the animal with the Municipal Court;

(2) The animal in question will be impounded at the animal shelter or with a licensed veterinarian;

(3) A hearing date will be held in Municipal Court within fourteen (14) days of the date of service; and

(4) The animal will be held in impound until the owner complies with all orders of the court; however, the animal will be humanely destroyed if the owner fails to comply with all orders of the court within twenty (20) days of the court's order.

(5) The owner will be required to pay all expenses involved and a fee of \$20.00 per day, per animal for each day the animal was housed at the animal shelter. The total amount of the daily housing fee is to be retained by the animal shelter.

(d) In the event the vicious animal investigation leads the Dog Control Officer to believe the allegation is unfounded, the Dog Control Officer will advise the complainant of his findings and submit the results of the investigation to his/her Supervisor.

(e) A copy of all investigations made pursuant to this section will be kept on file in the Prattville Police Department.

(f) Require annual \$25.00 registration of animals deemed vicious by Municipal Court or penalty of \$150.00 for non-registration within two weeks.

**Sec. 4-43. Enclosure specifications for vicious animals.**

Whenever a vicious animal is permitted to stay or remain in the city, the following requirements and any other requirements deemed necessary and appropriate for public safety by the Supervisor shall be adhered to by owner of said vicious animal.

(a) Owners shall provide an exterior perimeter fence suitable to contain an average animal of the same type. The perimeter fence shall be constructed of chain link or wooden privacy type and shall be at least four (4) feet in height.

(b) Owners shall provide an additional fence or pen of adequate size inside the perimeter fence to humanely confine the vicious animal.

(1) This additional fence or pen may not share common fencing with the perimeter fence;

(2) This additional fence or pen must have secure sides and a secure top attached at all sides;

(3) All four sides of this additional fence or pen must be sunk at least two feet into the ground or the fence or pen must be built over a concrete pad to prevent the animal from digging out;

(4) This additional fence or pen must have an inward opening gate and shall be kept locked at all times by pad lock or key lock except when tending to the care of the animal;

(5) The sides of this additional fence or pen shall be from ground to top at least twice the height of the animal, the height of the animal being measured from its shoulders;

(6) This additional fence or pen must not be positioned so that neighbors or passersby have access to the animal. It must be no less than twenty (20) feet from any neighboring home; and

(7) Signs shall be posted on each side of this additional fence or pen stating that a vicious animal is enclosed and shall specify the type of animal enclosed, i.e. A Vicious Dog.

(8) The fence/enclosure shall be inspected by the Dog Control Officer, so long as the vicious dog remains, on a semi-annual basis, or at other times when deemed necessary by the Dog Control Officer.

(c) Whenever the animal is outside the additional fence or pen provided for in this section:

(1) It must be attended by the owner; and

(2) It must be restrained by a secure collar and leash or rope no shorter than eight (8) feet nor longer than ten (10) feet in length and of sufficient strength to prevent escape;

(d) No vicious animal shall be allowed outside the owner's property except in emergencies or for normal or necessary medical or health related treatment.

(e) No vicious animal shall be chained, tethered, or otherwise tied to any object such as a tree, post or building, outside of its additional fence or pen as provided in this section.

(f) An electronic animal confinement systems shall not be used to confine an animal classified as vicious.

**Sec. 4-44. Authority of Dog Control Officer when enclosure deemed inadequate.**

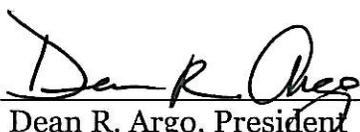
When a vicious animal is not properly or securely confined pursuant to the provisions of this Chapter, the Supervisor shall order confinement of the animal with a licensed veterinarian or with the animal shelter until the owner in charge of such animal provides an enclosure which complies with the provisions of section 4-43. Provided, however, that if the owner in charge of such animal fails to provide a proper enclosure as provided by section 4-43 within thirty (30) days, such animal shall be disposed of as directed by the Supervisor. All costs of feeding and caring for such animal during said confinement shall be paid by the owner, provided however, that the daily cost of confinement at the animal shelter shall not exceed twenty dollars (\$20.00) per day.

**Sec. 4-45. Penalty for Violation of This Chapter.**

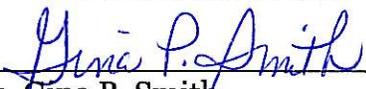
Unless otherwise specified in this Chapter, violations of any Section of this Chapter are subject to punishment in accordance with 1-8 of this Code.

THIS Ordinance shall become effective upon its passage and execution as provided by law.

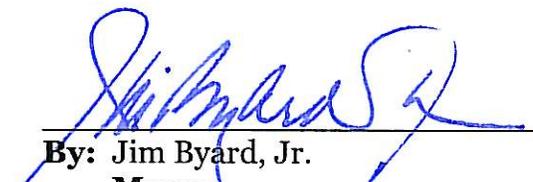
**ADOPTED THIS 17<sup>TH</sup> DAY OF AUGUST, 2010.**

  
By: Dean R. Argo, President  
Prattville City Council

**AUTHENTICATED THIS 17<sup>TH</sup> DAY OF AUGUST, 2010.**

  
By: Gina P. Smith  
City Clerk

**APPROVED:**

  
By: Jim Byard, Jr.  
Mayor