Chapter 4

ANIMALS AND FOWL*

Art. I. In General, §§ 4-1—4-19
Art. II. Dogs; Rabies Control, §§ 4-20—4-27

ARTICLE I. IN GENERAL

Sec. 4-1. Maintenance of enclosures.

All premises in the city and police jurisdiction thereof where animals or fowl are kept, harbored or confined, shall be kept clean, sanitary and free of noxious odors and shall be maintained in such a manner as will effectually prevent the reproduction or propagation of flies; the presence on or about such premises of live larvae of flies under conditions which permit or favor growth or development shall be prima facie evidence of the reproduction or propagation of flies and of keeping or maintaining of such premises used for such purposes in violation of this section.
(Code 1971, § 4-2)

Sec. 4-2. Stables required for horses, mules, or cows.

Every person who shall maintain a horse, mule or cow within the city or the police jurisdiction thereof shall provide a stable for it which shall be kept clean and dry. Such stable shall have sufficient light to make cleaning practicable and sufficient ventilation to keep the air of such building pure at all times. No such stable shall be within fifty (50) feet of any residence without the consent of the owner or occupant of such residence, or within twenty (20) feet of any street.
(Code 1971, § 4-3)

Sec. 4-3. Feed bins within stables.

All stables where animals are kept shall have a feed bin for the storage of food which is of ratproof construction. All grain, malt or other animal food, except hay, stored or kept in such stable shall be kept in such feed bin. The feed bin shall be kept closed at all times except when momentarily opened to take food therefrom or when the same is being filled. No feed shall be scattered about outside such bin or in the stable, and all such feed found on the floor or in the stalls of such stable shall be removed daily and placed in the manure receptacle. No foodstuffs intended for human consumption shall be kept or stored in any stable or any other place where animals are kept.
(Code 1971, § 4-4)

***Cross references**—Noisy animals, § 11-6(a)(4); disposal of dead animals, § 9-18.
State law reference—Cruelty, Code of Ala. 1975, §§ 3-1-10 et seq., 13A-11-14.

Sec. 4-4. Keeping of swine.

(a) It shall be unlawful to keep, harbor, stakeout, or confine any live swine within the city limits except in those areas zoned FAR.

(b) In all FAR zoning districts, it shall be unlawful to keep, harbor, stakeout, or confine any live swine in any building, structure, shed, corral, pen, or other enclosure, any part of which is within three hundred (300) feet of a dwelling, school, church, hospital, public building, public park, public school, playground, or public thoroughfare.
(Ord. of 9-20-77)

Sec. 4-5. Corrals within commercial and industrial districts.

It shall be unlawful to keep any animal within any corral in a commercial or industrial district as defined by the zoning ordinance of the city unless such corral shall have a minimum area of one thousand (1,000) square feet for each such animal and two hundred (200) square feet for each additional animal kept.
(Code 1971, § 4-6)

Sec. 4-6. Corrals in residential districts.

It shall be unlawful to keep any animal in any corral in a residential district as described or defined by the zoning ordinance of the city unless such corral shall have a minimum area of two thousand five hundred (2,500) square feet for each such animal and one thousand (1,000) square feet for each additional animal there kept, to every portion of which such animal shall have free and unrestricted access. Such corral shall be located a minimum distance of two hundred (200) feet from any dwelling, other than the owner's dwelling, and from any church, school, hospital, public building, public park, or public playground, and twenty (20) feet from any public thoroughfare.
(Code 1971, § 4-7)

Secs. 4-7—4-19. Reserved.

ARTICLE II. DOGS; RABIES CONTROL

Sec. 4-20. Definitions.

For the purpose of this article the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise:

At large: A dog unrestrained and not under the control of its owner or other person acting on behalf of the owner. Such control must be exercised either:

(1) By confinement within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of the dog, or

(2) By restraint by a leash, cord or chain, not less than ten (10) feet in length, secured to a collar with swivel connections, in such a manner as to effectively prevent the escape of the dog; provided, however, that the length of the leash, cord or chain must be reduced in length to prevent the dog when so secured from entering premises other than that of the owner,

(3) If in a public place and off the premises of the owner, by a leash, cord or chain not more than six (6) feet in length and secured to a collar, with swivel connection, in such a manner as to effectively prevent the escape of the dog.

When on the premises of its owner a dog shall be deemed to be under restraint.

Dog: Any member of the canine family.

Dog control officer: That person designated by the mayor who shall be primarily responsible for the enforcement of this article.

Owner: Any person owning, keeping, possessing, harboring or maintaining a dog within the city limits.

Vicious dog: A dog which has bitten a human while not on the premises of its owner. A verified written statement stating that the dog has bitten a human off the premises of the owner, stating time, place and particulars shall be prima facie evidence of the occurrence, when filed with the dog control officer.
(Code 1971, § 4-28)

State law reference—Definitions, Code of Ala. 1975, § 3-7-1.

Sec. 4-21. Dog control officer; right of entry of officers.

(a) The city council shall appoint a dog control officer and such aides and assistants as may be necessary, for the enforcement of this article, who shall be employees of the city. It shall be the duty of the dog control officer to enforce the provisions of this article; to attempt to catch and impound any dog running at large within the city; to attempt to eliminate from the city stray, homeless, unclaimed and diseased dogs; to cooperate with the county rabies inspector, and to perform such other, further and additional duties as may be prescribed from time to time by the city council.

(b) Neither the dog control officer, nor such officer's aides and assistants, shall carry or use firearms in the discharge of their duties.

(c) Upon request of a resident of the city, the dog control officer, assistants or aides, may enter upon the property under the requesting resident's control for the purpose of catching or trapping a dog at large.

(d) The dog control officer, such officer's aides or assistants, and members of the police department, shall have the right, for the protection of the public health, welfare and safety, to enter upon any property within the city limits for the purpose of capturing or impounding any female dog in heat which is at large.

(e) The dog control officer, aides and assistants, and members of the police department, upon verified written complaint that a dog has bitten a human being, or is suspected of having rabies, shall have the further right, in order to protect public health, welfare and safety, to enter upon any property within the city for the purpose of capturing and confining the dog, under the supervision of a licensed veterinarian, for a period of fourteen (14) days, in compliance with the provisions of section 3-7-9, Code of Alabama 1975, as amended.

(f) Any expense incurred by the city in compliance with the provisions of this section shall be paid by the owner of such dog.

(g) If the dog control officer, aides or assistants, are unable to entrap a dog that has bitten a human being, or is suspected of having rabies, or is a female dog in heat, any one (1) of them shall summon a police officer whose duty shall be to shoot the dog, after taking such precautions as are necessary for the public safety.

(h) It shall be unlawful for any person who is the owner or custodian of a dog which has bitten a human being, or is suspected of having rabies, to fail to promptly turn over or deliver such dog to the dog control officer, aides or assistants, or any member of the police department, unless such a dog has been turned over to a licensed veterinarian for fourteen (14) days' observation.
(Code 1971, § 4-29)

Sec. 4-22. Inoculation.

It shall be unlawful for any person to own, possess, keep, maintain or harbor a dog within the city, or its police jurisdiction, without having such dog inoculated annually for rabies, as required by section 3-7-2, Code of Alabama 1975, as amended.
(Code 1971, § 4-30)

Sec. 4-23. Running at large.

(a) *Confinement of dogs on private premises.*

(1) It shall be unlawful for any person owning, keeping, possessing, harboring or maintaining a dog to cause, permit or allow such dog to be at large on or about any place, lot or premises, or portion of same, within the city.

(2) All vicious dogs within the city shall be kept:

a. Confined within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of such dog; or
b. Restrained by a leash, cord or chain not less than ten (10) feet in length, and secured to a collar with swivel connections in such a manner as to effectively prevent the escape of the dog; provided, however, that the length of the leash, cord or chain shall be reduced to such length as to prevent the dog, when so secured, from entering premises other than that of the owner.

(3) Every female dog in heat shall be confined by the owner in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog, except for planned breeding.

(b) *Restraint of dogs in public places and off premises.* It shall be unlawful for any person owning, keeping, possessing, harboring or maintaining a dog to cause, allow or permit such dog to run or be upon any street, alley, thoroughfare, sidewalk or public place in the city unless such dog is attached to a leash, cord or chain of not more than six (6) feet in length, and secured to a collar with swivel connections in such a manner as to effectively prevent the escape of the dog, and with the leash, cord or chain being in the hands of the owner or other person in charge of such dog. Any vicious dog, off the premises of the owner, shall be secured as aforesaid, and in addition, shall be so muzzled as to prevent the dog from biting.
(Code 1971, § 4-32)

Sec. 4-24. Impoundment of dogs.

(a) *At large.* Any dog which is found at large on any street, sidewalk, alley, thoroughfare or other place in the city may be caught and impounded in the city pound.

(b) *Upon premises other than owner.* Any dog, whether or not wearing an inoculation tag or license, which is found upon the premises or property in possession of another, may, at the request of the person in possession of such property, or such person's duly authorized representative, be caught and impounded in the city pound.

(c) *Notice of impoundment.* Upon the impoundment of any dog wearing the city license tag, the dog control officer or authorized assistant shall give notice to the owner by U.S. mail, at the address shown by the license receipt of the dog control officer, or by telephone. In addition, it shall be the duty of the dog control officer to keep accurate records showing the date of impoundment, the date the owner was notified and method used, the date of disposition and method used, and the name of any purchaser of dogs and the amount paid.
(Code 1971, § 4-33)

Sec. 4-25. Redemption procedure.

The owner of any dog, or the owner's duly authorized representative, may, within seven (7) days from the notice of impoundment, or at any time before sale or destruction of the dog, redeem the dog by paying a fee of five dollars ($5.00), plus two dollars ($2.00) for each day of impoundment.
(Code 1971, § 4-34)

Sec. 4-26. Sale or destruction.

(a) Every dog impounded more than seven (7) days after notification to owner, which has not been redeemed by the owner, may be sold or destroyed at the discretion of the dog control officer. However, no dog shall be sold for a price of less than five dollars ($5.00), and no dog shall be released from a pound unless and until such dog has been inoculated, as prescribed by law, and a license issued as required by this article.

(b) Any dog impounded which is not wearing a license tag, or which for any reason notification cannot be given to the owner, may be sold or destroyed within seven (7) days from the date of impoundment.

(c) Any dog impounded which is diseased or injured may be destroyed in a humane manner without delay or notice.
(Code 1971, § 4-35)

Sec. 4-27. Interference with enforcement of this article.

It shall be unlawful for any person to hinder, molest or interfere with any person authorized or empowered to perform any duty under this article.
(Code 1971, § 4-36)

[The next page is 231]

ORDINANCE

[To amend The Code of Ordinances, City of Prattville
Article II. Dogs; Rabies Control, Section 4-23]

BE IT THEREFORE ORDAINED by the City Council of the City of Prattville that Article II Sec. 4-23 of The Code of Ordinances, City of Prattville be amended and shall read as follows:

Sec. 4-23. Running at large.

(a) Confinement of dogs on private premises.

(1) It shall be unlawful for any person owning, keeping, possessing, harboring or maintaining a dog to cause, permit or allow such dog to be at large on or about any place, lot or premises, or portion of same, within the city. It shall be unlawful for any individual to bring into "A Child's Place" at Pratt Park any animal, leashes notwithstanding, except that handicapped individuals with certified trained guide dogs may use said animals for the purpose for which they were trained in said park.

(2) All vicious dogs within the city shall be kept:

a. Confined within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of such dog; or

b. Restrained by a leash, cord or chain not less than ten (10) feet in length, and secured to a collar with swivel connections in such a manner as to effectively prevent the escape of the dog; provided, however, that the length of the leash, cord or chain shall be reduced to such length as to prevent the dog, when so secured, from entering premises other than that of the owner.

(3) Every female dog in heat shall be confined by the owner in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog, except for planned breeding.

(b) Restraint of dog in public places and off premises. It shall be unlawful for any person owning, keeping, possessing, harboring or maintaining a dog to cause, allow or permit such dog to run or be upon any street, alley, thoroughfare, sidewalk or public place in the city unless such dog is attached to a leash, cord or chain not more than six (6) feet in length, and secured to a collar with swivel connections in such a manner as to effectively prevent the escape of the dog, and with the leash, cord or chain being in the hands of the owner or other person in charge of such dog. Any vicious dog, off the premises of the owner, shall be secured as aforesaid, and in addition, shall be so muzzled as to prevent the dog from biting.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage and publication as provided by law.

APPROVED THIS 6th DAY OF MAY, 1997.

By: Jim Byard, Jr., President
Prattville City Council

AUTHENTICATED THIS 6th DAY OF MAY, 1997.

By: E. M. Champion, Jr.
City Clerk

By: David D. Whetstone, Jr.
Mayor