

ORDINANCE NO 2015-1201

AN ORDINANCE TO REPEAL & REPLACE ANIMAL ORDINANCE 2014-0715

This Ordinance establishes regulations prohibiting dogs from running at large while promoting responsible pet ownership with regards to the safety of the community.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA, AS FOLLOWS:

ARTICLE 1 – DEFINITIONS:

Whenever used in this ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meanings:

- (1) **ANIMAL CONTROL OFFICER (ACO):** The person(s) designated by the Mayor or City Council who shall be primarily responsible for the enforcement of this ordinance.
- (2) **ANIMAL(S):** Any pet; to include reptiles, small domestic animals, small fur bearing animals, bees, poultry, fowl, pigs, dogs or cats intended for personal use or enjoyment.
- (3) **AT LARGE:** All times and places a dog is off or outside the premises of the owner, unless such dog is securely restrained by a strong leash not exceeding six (6) feet in length, securely and continuously held by a competent person owning, having an interest in, harboring, or having charge, care, control, custody, or possession of such dog, or unless such dog is confined within an enclosed vehicle, or transportation crate, or not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, which shall mean the dog is under “voice control”, at any time the dog is not on a leash or confined on the premises of the owner. This section shall not apply to any dog being used for law enforcement purposes by any state, county or city law enforcement agency.
- (4) **CAT:** All members of the domesticated feline (*Felis catus*) family three months of age or older.
- (5) **DANGEROUS CIRCUMSTANCE:** for this ordinance, a dangerous circumstance is a time or place that a dog is engaging in, or threatening to engage in possible injury, harm or death to a human being or another animal.
- (6) **DOG:** All members of the domesticated canine (*Canis familiaris*) family three months of age or older.
- (7) **HAS BEEN EXPOSED:** Seized with the teeth or claws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.
- (8) **HIS:** Either male or female.
- (9) **IMMUNIZATION AGAINST RABIES:** The injection, in a manner approved by the State health officer and the State veterinarian, of anti-rabies vaccine approved by the State

health officer and the State veterinarian. The administration of anti-rabies vaccine to species other than those for which reliable immunization data is available shall be a violation of this chapter.

- (10) **KENNEL:** A registered establishment for the breeding, boarding or selling of animals. Exceptions are rescue and foster homes for animals with the goal of ultimately transferring the animal to a permanent owner through any means of transfer.
- (11) **NUISANCE:** (a) any dog that roams or runs at large (b) any dog which chases vehicles or molests passerby. (c) Any animal that soils, defiles or defecates on property other than the property of the owner, unless the owner immediately removes and properly disposes of it. (d) Any animal which causes unsanitary or dangerous conditions or circumstances. (e) Any animal which continuously barks, howls or otherwise disturbs the peace. (f) Any animal that destroys real or personal property or scatters, tears up or places in disarray any personal property of a person other than its owner or keeper.
- (11) **OWNER:** 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.
- (12) **PERSON:** Individuals, corporations, firms, partnerships and associations.
- (13) **POUND:** A place for the impoundment of animals found to be in violation of the provisions of this ordinance.
- (14) **STRAY ANIMAL:** An animal having no means of identification as to the owner.
- (15) **VOICE CONTROL:** As used in this ordinance, the term voice control shall mean that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keepers verbal command, whistle, or hand signals. If a dog approaches or remains within 10 feet of any person other than the owner or keeper, that dog is not under voice control and shall be deemed at large, unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner or keeper by spoken word or gesture that such person consents to the presence of the dog.

ARTICLE 2 – Appointment of Enforcing Officer; Provision for Shelter or Pound; Interference With Enforcing Officer Prohibited.

- (a) The Mayor or City Council shall appoint one or more enforcement officers, and said enforcement officers shall be designated as the Animal Control Officers or other names as determined by the Council. Said Animal Control Officers shall enforce provision of this ordinance.
- (b) The Mayor or City Council may employ, hire or contract with an individual or concern to maintain and keep a shelter or pound for animals picked up and/or impounded hereunder.
- (c) It shall be unlawful for any person to interfere with or resist an Animal

Control Officer or other person charged with the enforcement of the provisions of this ordinance in the discharge of any act required or permitted hereby.

ARTICLE 3— Dogs roaming & running at Large & Permitting animals to trespass

(a) It shall be unlawful for any person, to permit or allow any dog owned by him, or under his control to roam or run at large within the City limits of Riverside. Any dog found roaming or running at large, within the City limits of Riverside shall be deemed to be a nuisance to the health and safety of the citizens, and shall be subject to being picked up and impounded as provided in this article, and the owner or person in charge thereof shall be subject to the penalties herein provided.

(b) The owner of any animal, after being requested by the owner or tenant of any premises not to permit the animal to trespass upon such premises, shall not allow any such animal to go upon such premises.

ARTICLE 4– Proof of Immunization Required:

It shall be unlawful for any person, except humane societies, societies for the prevention of cruelty to animals, boarding kennels and veterinary hospitals and clinics to own, keep or harbor, within the City limits of Riverside, any dog or cat over three months old that does not have displayed on it at all times a license tag issued by a licensed veterinarian showing current immunization status. *Code of Alabama (1975) 3-7A-4*

ARTICLE 5– Kennel License and Fees:

It shall be unlawful to breed, board or sell animals without a kennel license. A kennel license shall be available for properly registered kennel owners who are breeding, boarding or selling animals. The annual license fee for such kennel owner shall be \$50.00. Provided that is such license is not obtained by October 1st of each year, there shall be imposed, in addition to the aforesaid fees, a penalty of \$10.00 for each month of the violation.

ARTICLE 6 – Non-resident owners; Immunizations by other cities and states:

Article 4 shall not apply to persons moving into the City limits of Riverside, until after 30 days residence therein. Animals that have been immunized against rabies in other cities of this state or in other states within six months prior to the date of becoming a resident need not be re-inoculated. The owner or person having custody of a dog or cat wearing a current license tag of another city, within or without this state, shall procure a dog or cat tag from a local veterinarian within 30 days after moving into the City limits of Riverside.

ARTICLE 7 – Impoundment of dog or cat without tag or certificate; Liability of Owner:

(a) Any dog or cat over three months old not wearing an immunization tag shall be taken up and impounded, notwithstanding the imposition of the fine provided herein for the owner or keeper of such dog or cat, and such taking up and impounding shall not relieve the owner or person having custody of such dog or cat from the payment of the fine hereinafter provided.

(b) The owner of any dog or cat found not wearing the evidence of current immunization as provided herein or for which no certificate or current immunization can be produced, and which is apprehended by an officer or other person charged with the enforcement of this ordinance, shall be in violation of this ordinance. *Code of Alabama (1975) 3-7A-6*

ARTICLE 8 – Stray Animals:

Any stray animal found at large within the City limits of Riverside shall be taken up and impounded.

ARTICLE 9– Duration of impoundment; Notice to Public; Care of Animals; Destruction of Impounded Animals; Redemption by Owner; Sale of Impounded Animals; Proceeds from Sales:

- (a) When animals are impounded and if the owner thereof is known, such owner shall immediately be given written notice of the impoundment of said animal or animals belonging to him. If the owner of an impounded animal is not known, notice shall be given by posting for five (5) days a brief description of such animal at the City Hall and by posting on the City of Riverside's social media sites.
- (b) In case the owner of an impounded animal desires to make redemption there-of, he may do so on the following conditions: If certificate of current immunization cannot be produced, he shall pay for the immunization of the animal, and, in addition pay applicable license fee and all costs of impoundment, including, but not limited to, board, advertisement, notification and any fines associated with the penalty portion of this ordinance. Non-redemption of an impounded animal shall not alleviate the owner of liability to pay fines due to the City of Riverside.
- (c) All dogs and cats which have been impounded for lack of rabies immunizations, due notice of which shall have been given to the owner as hereinafter provided, may be humanely destroyed and disposed of when not redeemed by the owner within seven days..
- (d) After a period of not less than seven days, the said impounding officer may sell any animal not redeemed or claimed or otherwise disposed of, to any purchaser desiring the said animal. No animal shall be sold at a price less than the costs of immunization, and all costs of impoundment, including, but not limited to, board, advertisement and notification.
- (e) After seven days, any dog or cat taken up and impounded which is neither redeemed nor sold may be humanely destroyed.
- (f) All monies received from the sale of such animals shall be paid to the county impoundment facility.

ARTICLE 10 – Vicious & Dangerous Dogs; Definition; Report of Vicious Animals

- (a) It shall be unlawful for any dog to cause action(s) that precipitate into a dangerous circumstance that threatens the safety of those nearby.
- (b) Any dog, regardless of breed, which has a disposition to bite humans and any animal, which has bitten or attempted to bite any person within six months immediately past shall be deemed to be a vicious dog. However, the fact that an animal has bitten or attempted to bite some person when that person was teasing or mistreating the dog shall not be deemed a vicious animal within the sense of this section.
- (c) It shall be unlawful for the owner or other person in charge thereof, to keep within The City limits of Riverside any vicious dog unless same is confined in a pen in such a manner that it cannot bite mail carriers, delivery men, workers or other licensees or invitee coming onto the premises where such animal is kept and clearly identified with a conspicuously posted sign that states: “DANGEROUS DOG-NO TREPASSING”
- (d) Whenever any person has been bitten by a dog of another, an Animal Control Officer shall have authority to take possession of such animal and keep it securely confined at a place designated by the Mayor or City Council for observation for such length of time as the law requires determining whether or not such animal is suffering with rabies. The costs of such confinement shall be assessed to the owner of such animal and shall be in addition to any other penalties assessed to the owner.

ARTICLE 11 – Nuisance Animals

- (a) It shall be unlawful for any animal to become a public nuisance.
- (b) It shall be unlawful to confine, harbor or keep on a lot, place or premises any animal or fowl that habitually, continuously or intermittently makes or emits sounds or noises of such volume nature, or extent so as to be a public nuisance by reason of being obnoxious or annoying to the ordinary persons in that neighborhood.
- (c) The owner of any animal which is a public nuisance shall be subject to the procedures and penalties set forth in ARTICLE 13.
- (d) Any nuisance complaint may be investigated by ACO or law enforcement. At discretion of the ACO or Law Enforcement, the owner may be given written notification that the animals behavior constitutes a public nuisance, and the owner is required to make reasonable effort to abate the nuisance within (7) seven calendars of the written notice of violation, and that subsequent violations shall result in issuance of a citation to the owner for allowing his animal to become a nuisance.
- (e) Subsequent violation, after written warning, shall be based on the ACO or law enforcement having personal knowledge of the nuisance or at least (2) two affidavits from different parties residing in close proximity to the alleged nuisance must be received. Close proximity shall be defined as residing within a radius of 300 feet from the residence or location of the offending dog. (1) One affidavit may be sufficient to warrant an investigation where there is only (1) one party in close proximity to the alleged nuisance.

ARTICLE 12 – Poisoning, Torture and Cruelty Prohibited:

- (a) It shall be unlawful for any person to expose or put out upon his own premises, or upon the premises of another, or upon property owned or held through easement by the town, any substance which is poured over, wrapped in, or otherwise combined with food and which is known to be poisonous to animals with the apparent intent to entice such animals to eat the poisonous substance and become poisoned thereby. The finding of such poisonous substance or poisoned foods, together with proof as to the identity of the person exposing or putting out same, shall be prima facie evidence of the intent to poison and destroy animals.
- (b) The provisions of the Code of Alabama (1975) §§13A-11-240-247 are hereby adopted as part of this ordinance. The Animal Control Officer appointed by this ordinance is authorized to enforce the provisions of the statutes adopted in this Article.

ARTICLE 13 – Penalties:

- (a) It shall be unlawful to violate any of the terms and provisions of this ordinance, and any person, firm or corporation violating any of the said terms and provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:
 - (1) For a first offense a \$25.00 fine paid to the City of Riverside and any impoundment and (or) immunization charges and/or fees to be paid to the County Impoundment Facility.
 - (2) For a second offense within a 12 month period beginning with the date of the first offense, a \$50 fine paid to the City of Riverside and any impoundment and (or) immunization charges and/or fees to be paid to the County Impoundment Facility.
 - (3) For a third offense within a 12 month period beginning with the date of the first offense, a \$100 fine paid to the City of Riverside and any impoundment and (or) immunization charges and (or) fees to be paid to the County Impoundment Facility.
 - (4) Penalties for subsequent offenses within a 12 month period beginning with the date of the first offense shall be a \$200 fine paid to the City of Riverside and any impoundment and (or) immunization charges and (or) fees to be paid to the County Impoundment Facility along with a written citation for a mandatory municipal court appearance to determine further penalties.
- (b) It shall be unlawful to violate the terms and conditions of Article 12 of this ordinance, and any person, firm or corporation violating any of the said terms of Article 12 of this

ordinance shall be guilty of a felony or a misdemeanor and upon conviction shall be punished as set forth in *Code of Alabama (1975) 13A-11-241*

ARTICLE 14 – Repeal of Prior Ordinances:

This ordinance shall repeal any and all ordinances now in effect pertaining to the control, impounding and disposal of all dogs and cats within the City limits of Riverside, Alabama.

ARTICLE 15 – Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

EFFECTIVE DATE:

This ordinance shall become effective on the 1st day of December 2015, upon adoption and publication as required by law.

SIGNED AND APPROVED ON THIS DATE:

Rusty Jessup, Mayor
City of Riverside, Alabama

ATTEST: _____
Candace Smith
City Clerk