

ORDINANCE CONCERNING ANIMAL CONTROL

WHEREAS, the City of Dothan has experienced and continues to experience a large population growth with a corresponding growth in its animal population, and

WHEREAS, the City of Dothan recognizes its responsibility to promote responsible pet ownership and to uphold the care and custody of animals in the interest of public health, safety and welfare.

WHEREAS, dangerous animals are an increasingly serious and widespread threat to the public safety and welfare to the people of Dothan and such attacks are attributable, in part to the failure of owners to properly confine and control their animals; and

WHEREAS, the City also desires to encourage and expedite the adoption and placement of such animals through the City's Animal Control Division and the Wiregrass Humane Society;

WHEREAS, the City desires to reduce the need for euthanasia of all animals and increase adoptions of domesticated animals and thus, move toward a policy of no-kill, and;

WHEREAS, existing law inadequately addresses the City's concerns.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama as follows:

Article I – DEFINITIONS

- A. **ABANDON** – To set loose with the intent of avoiding the responsibility for custody and care.
- B. **ANIMAL** - Any living, vertebrate creature, domestic or wild except human beings.
- C. **ANIMAL CONTROL OFFICER** - The City of Dothan Police Department, its police officers and Animal Control Officers charged to enforce the Ordinance Concerning Animal Control.
- D. **ANIMAL CONTROL FACILITIES** - A suitable place or places in Dothan, Alabama, designated by the City, in which animals taken into custody by the Animal Control Officer pursuant to this Ordinance are impounded.
- E. **AT LARGE** – Any animal not physically controlled by a human being by means of a leash or lead held by the human being, or not at all times accompanied by a person and does not at all times immediately respond to sound, mechanical, electrical or other command of its accompanying person. Exceptions:

- (1) An animal that is physically or electronically secured within the confines of the real property of its owner or keeper or other real property that the owner or keeper has permission to use or is within a motor vehicle (excluding an unrestrained animal in an open bed of a truck);
- (2) The dog is engaged in the performance of duties while under the supervision and control of law enforcement officials in the course of law enforcement work;
- (3) The dog is engaged in any legal hunting or training procedure, including training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, herding, and herding trials; however, such dogs at all other times and in all other respects shall be subject to this Chapter.
- (4) The dog is in a City designated “no leash” dog park and is under the supervision of a responsible person.

F. BODILY INJURY - Any physical injury to a human being caused by an animal, including but not limited to, injuries wherein the skin is broken, interior or exterior bleeding or bruising occurs, or bone, tissue, or muscle damage is suffered.

G. CAT - Any animal of the feline species.

H. CITY - The incorporated portion and the surrounding police jurisdiction of the City of Dothan.

I. COMPETITION DOG OR CAT – Any dog or cat which is used to show, to compete or to breed, which is of a breed recognized by and registered with the American Kennel Club (AKC), American Canine Association (ACA), American Dog Breeders Association (ADBA), Cat Fanciers Association (CFA), or other breed registries approved by the Animal Control Officer. The dog, cat or owner must meet ONE of the following requirements:

1. The dog or cat has competed in at least one show or competition sanctioned by a national registry or approved by the Animal Control Officer within the last year; or
2. The dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry or dog sport association approved by the Animal Control Officer; or
3. The owner or keeper of the dog or cat is a member of a purebred dog or cat club which is approved by the Animal Control Officer which maintains and enforces a code of this for dog and cat breeding that includes restrictions from breeding animals with genetic defects and life-threatening health problems that commonly threaten the breed.

- J. DANGEROUS DOG – Any dog whose actions, according to the records of the animal control officer after investigation meets at least one of the following:
1. On public or private property, including the owner’s property, aggressively attacks and bites a person thereby causing injury, excluding persons engaged in criminal behavior or provocation;
 2. On public or private property, not including the owner’s property, aggressively attacks wildlife or another domestic animal thereby causing injury, excluding acts resulting from self-defense;
 3. On public or private property, including the owner’s property that habitually, without provocation, approaches in apparent attitude of attack or bites any meter reader, delivery person, service person, mail carrier or other person who is on the property of the owner or keeper of the dog who is there by reason of business or with invitation of said owner or keeper, excluding acts resulting from provocation;
 4. Any dog kept primarily to guard public or private property which is not owned by a law enforcement agency;
 5. For purposes of this section, “habitually” means at least two separate occurrences within a time period of no more than six (6) months.
- K. DISTURBANCE - Any act causing i) annoyance or agitation to another, or ii) interference with the quiet and peaceful enjoyment of the property of another.
- L. DOG - Any animal of the canine species.
- M. FOWL – Chickens, turkeys, guineas, pheasants, quail, ostriches and emus.
- N. HUMANE SOCIETY – Wiregrass Humane Society.
- O. INTACT ANIMAL - An animal not spayed or neutered.
- P. KEEPER - A person who has custodial or supervisory authority or control over an animal.
- Q. LEASH OR LEAD - A thong, cord, rope, chain or similar tether which holds an animal in restraint and which is not more than six (6) feet in length. A leash or lead longer than six feet in length or a retractable lead of variable length may be used when exercising or training an animal provided that the use of the leash or lead does not allow the animal to interfere with public access to or use of public areas.
- R. LIVESTOCK – Any horse, mule, donkey, hog, cattle, sheep, goat or other animals used in the farm or ranch production of food, fiber or other agricultural products.

- S. OWNER - Any person having control or purporting to have control over an animal; the occupant of the premises where the animal is usually kept or allowed to remain about their premises for a period of three (3) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner as defined herein. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this Ordinance, even if the animal was in the possession of or under the control of a keeper at the time of the offense.
- T. PET ANIMAL - Any animal owned or kept by a person for companionship or protection or for sale to others for such purposes.
- U. PROVOCATION - Threatening, teasing, or striking an animal or threatening, or striking the animal's owner or keeper either on or off the animal owner's property.
- V. SERIOUS PHYSICAL INJURY – Any physical injury that results in one or more broken bones, multiple bites, or one or more lacerations requiring multiple stitches.
- W. SHELTER - Access to a barn, dog house or other enclosed structure sufficient to protect the animal from the weather.
- X. UNDER RESTRAINT - Under the physical or voice control of an owner or keeper.
- Y. VICIOUS DOG – Any dog whose actions, according to the records of the animal control officer after investigation, meet at least one of the following:
 - 1. On public or private property, including the owner's property, aggressively attacks and inflicts serious injury on a person, excluding persons engaged in criminal behavior;
 - 2. On public property, including the owner's property, aggressively attacks and causes serious injury to another domesticated animal, excluding acts of self-defense;
 - 3. A dog trained for dog fighting or is being used or has been used for the purpose of dog fighting.

Article II – ADMINISTRATION AND ENFORCEMENT

A. Enforcement Personnel:

- 1. The office of Animal Control Officer is created. The Animal Control Officer shall be charged with all duties, including the issuing of citations, pertaining to the enforcement of ordinances regulating or controlling the keeping of animals and fowl within the city and within its police jurisdiction and is vested with all necessary and proper powers of a law enforcement officer for the purpose of performing such function to the extent allowed by state and federal law.

2. Whenever an Animal Control Officer witnesses a violation of this Ordinance, the Animal Control Officer may issue a Citation or Summons and Complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. Animal Control Officers shall enforce all of the provisions of this Ordinance as set forth herein and shall take up and impound any animal authorized to be impounded by the Dothan City Code of Ordinances.
3. Any person who shall knowingly interfere with, impede or obstruct any Animal Control Officer who is attempting to discharge or is in the course of discharging an official duty or fail to obey the lawful order of an Animal Control Officer shall be guilty of a misdemeanor.

B. Right of Entry Granted:

An animal control officer is authorized to enter upon any private property that is unfenced, or that is fenced but with a gap or opening, or with a gate that is not closed and locked for the purpose of investigating a complaint of violation of this chapter or for the purpose of seizing and impounding any animal that is stray or at large or as otherwise authorized by this chapter; however, an animal control officer is not authorized to enter a dwelling without the owner's or the resident's permission, or without a warrant or other authority.

Article III - RABIES CONTROL

There is adopted by reference Code of Alabama 1975, § 3-7A-1 et seq., and as such may be amended or modified from time to time by the state legislature. The Animal Control Officer may be appointed a deputy to the rabies inspector as provided in such statute.

Article IV – PET LICENSING AND REGISTRATION

A. Mandatory licensing of dogs, cats, ferrets, goats, pot-bellied pigs, and pythons.

It is unlawful for any person to keep or maintain a dog, pet goat or pot-bellied pig over (20) twenty weeks of age or cat or ferret over twelve (12) weeks of age or any python within the city without obtaining and retaining a license under this ordinance. A serially numbered round metal license tag provided by the city shall be securely affixed to a collar and worn by the dogs and cats. A microchip identification implant may be used as a substitute upon certification by a veterinarian licensed by the State of Alabama. See special requirements for dangerous dogs and unaltered dogs and cats.

Licenses are valid for one year or until the time of the next required vaccination, whichever occurs first. Initial licenses issued for less than one year shall be pro-rated.

B. Applications for pet licenses and registration shall include the following information:

1. The name, address and telephone number of the owner or keeper of the animal.
2. The name, age, breed, color, sex, distinguishing features and in the case of dogs and cats, whether the animal has been spayed or neutered. (In the case of dogs and cats of questionable breed, they shall be recorded as domestic short, medium or long hair, as appropriate.).
3. A certificate of a veterinarian indicating the dog or cat has current rabies vaccination.
4. A certificate of a veterinarian indicating the dog or cat has been spayed or neutered, if claiming so.

C. Pet licensing and registration information.

A record of all pet licenses and registrations and their accompanying applications along with any supporting certifications shall be maintained by the police department.

D. Pet license fees.

All license and registration fees shall be used by the City only for animal control personnel, training, facilities, equipment and maintenance.

1. Neutered cats' and dogs' licenses	-	\$10.00
2. Intact cats' and dogs' licenses	-	\$30.00
3. Dangerous dogs' licenses	-	\$250.00
4. All other pet licenses	-	\$ 2.00

E. Late Penalties.

1. A late penalty of five dollars shall be assessed for any pet license and registration not received within thirty (30) days of the animal first being maintained in the city or upon the animal's reaching the age set out hereinabove.

2. The following persons shall not be required to pay the license tag fees:

- i. A disabled person who is licensing a certified service dog, provided a physician licensed in the state certifies the person's need for the dog;
- ii. An owner who is sixty-five years of age or older, or totally disabled, as determined by the Social Security Administration, for up to three animals, provided these animals are spayed and/or neutered and vaccinated.

- iii. Animals in the City for less than 30 days.

Article V - MANDATORY SPAYING AND NEUTERING.

1. No person may own, keep or harbor a dog or cat over the age of four months in violation of this section. An owner or custodian of an unaltered dog or cat must have the animal spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog or cat license in accordance with this ordinance.
2. The owner or custodian of a dog or cat which is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from an Alabama licensed veterinarian. The writing must also state the date by which the dog or cat may be safely spayed or neutered. If the dog or cat is unable to be spayed or neutered within 30 days, the owner or custodian must apply for an unaltered dog or cat license.

F. Unaltered dog or cat license – requirements.

An owner or custodian of an unaltered dog or cat over the age of four months must obtain an annual unaltered dog license for the dog or cat. The license shall be issued if the Department has determined that all of the following conditions are met:

1. The dog or cat is one of the following: a competition dog or cat as defined in this ordinance; a dog used by a law enforcement agency for law enforcement purposes; a qualified service or assistance dog as defined in this ordinance; or a dog or cat which is unable to be spayed or neutered as set forth in this ordinance.
2. The owner or custodian has submitted the required application and has paid the fee set for in this ordinance.
3. The unaltered dog or cat will be maintained in accordance with the provisions of applicable city and state laws.

Article VI - CONTROL OF ANIMALS

A. Dangerous Dogs

It is unlawful for the owner, or keeper of a dangerous dog to:

1. Have the animal on their property without securing the dog from public contact by confining the dog in a manner approved by the Animal Control Officer that shall prevent the entry of the general public and to preclude any release or escape of the dangerous dog;

2. Have the animal on their property without warning the public about the presence of the dangerous dog by posting visible and legible signage on and around the property reading either “bad dog” or “beware of dog”;
 3. Have the animal off their property unless the dog is securely muzzled and adequately restrained on a leash;
- B. Vicious Dogs – It shall be unlawful to own, keep or possess any vicious dog. Any such vicious animal may be taken and impounded by the Animal Control Officer whenever a violation has occurred in the Animal Control Officer’s presence, or whenever after performing a thorough investigation the Animal Control Officer is of the opinion that the situation requires that the dog be impounded to protect the safety and well being of humans or other animals, pending a judicial determination of the violation.

C. Animals at Large Prohibited:

It shall be unlawful for the owner or keeper of any animal to permit such animal to be at large in the City. If an animal is found to be at large in the City, the owner or keeper shall be presumed to have violated this section.

D. Disturbance of the Peace and Quiet Prohibited:

Each owner or keeper of a pet animal in the City shall not permit such pet animal to disturb the peace and quiet of any person by barking, whining, howling, or making any other noise in an excessive, ongoing or untimely fashion. If any pet animal does so disturb the peace and quiet, its owner or keeper shall be deemed guilty of a violation of this section, provided that such owner or keeper shall not be charged with a violation of this section unless they or a member of their household over the age of eighteen (18) years has received a written warning from an Animal Control Officer of a previous complaint at least once within the preceding six (6) months. This subsection shall not apply to dogs located in a kennel, as provided in the City of Dothan Zoning Ordinances which, if required to be licensed, has been validly licensed pursuant to applicable law and which has been approved for use as a kennel by special review by the City of Dothan.

E. Disruptive Animals:

It is unlawful to own, keep or maintain any pet animal which is a safety or health hazard, which damages or destroys the property of another (including garden and flower beds and trees), which creates offensive odors which materially interferes with or disrupts another person in the conduct of lawful activities at such person’s home or which defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the pet animal is not immediately removed by the owner or keeper.

F. Animal Curbing Requirements:

a. No person shall knowingly allow an animal which is kept by that person to urinate upon private property or defecate upon a public street, right-of-way, public or private property, in the city without the prior permission of the owner; however, it shall be a defense to said violation if, i) when an animal defecates on property described in this subsection, the animal's owner or keeper immediately shall remove any feces to a waste container, ii) it is a service animal; and, iii) if the dog is on official police business.

b. No person shall be in control of a dog upon a public street, right-of-way or upon any public property without being in possession of a device or material to remove feces to a waste container.

c. No person shall allow his or her animal to disperse waste material placed for public or private collection upon any public street, right-of-way, or upon any public or private property.

G. Improper Care or Treatment Prohibited:

No owner or keeper shall fail to provide their animal with sufficient handling, housing, feeding, watering, sanitation, exercise, ventilation, shelter, veterinary care and separation by species necessary for humane care or treatment of the animal.

H. Quantity of Pet Animals Restricted:

In no event shall any person keep at his or her premises more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a nuisance to the occupants or neighboring properties.

I. Abandonment:

It shall be unlawful for a person to abandon any animal on any public or private property in the city.

J. Feral cat harborer/caregiver requirements.

1. Feral animals and feral cat colonies.

1. The City of Dothan may establish a fund or provide services to offset costs of trapping, neutering and vaccinating captured feral cats that can be returned to an appropriate, controlled and registered colony site. Caregivers for such colonies, whether one or several animals, may be aided by the City in properly managing and caring for those colonies, to the extent that funding is available.

2. It is unlawful for any person to intentionally provide food, water, or other forms of sustenance or care to a feral cat or feral cat colony unless the feral cat or feral cat colony is

registered with the City of Dothan Police Department. Registration consists of the following requirements:

- a. Register each feral cat colony with the City of Dothan Police Department. A notarized statement from the property owner of ownership of the property and approval of the colony must accompany each application. Notification of all adjoining property owners will then be given in writing by the Dothan Police Department. Objection by such owners shall prevent registration.
 - b. Spay or neuter all cats over eight weeks of age and before sixteen weeks of age.
 - c. Remove all kittens by eight weeks of age for domestication and placement by the Animal Control Officer or the Wiregrass Humane Society.
 - d. Remove all sick or injured cats for immediate veterinary care or euthanasia.
 - e. Ear crop all cats on the left ear and provide an electronic animal identification device or tattoo.
 - f. Vaccinate all cats as required by Alabama law.
 - g. Maintain proof of vaccination, sterilization and all medical records for all cats. These records must be provided to the Dothan Police Department upon request.
 - h. Payment of a registration fee in the amount of twenty-five (\$25.00) dollars per colony annually.
3. Violations.
- a. In addition to issuance of citations for violations of this section, the City Animal Control Officer has the authority to seize or remove the colony for the following reasons:
 - i. Public health or safety concerns.
 - ii. The cats are disruptive and/or disturbing the peace.
 - iii. The person or persons responsible for the feral cat colony have failed to comply with this ordinance.
 - b. Upon determination by the Animal Control Officer that the feral cat colony is not in compliance with this ordinance, said person(s) shall be allowed 30 days from the issuance of a warning notice to come into compliance. Failure to do so shall result in a fine of \$100.00 and the revocation of the registration of the feral cat colony.

Article VII - IMPOUNDMENT AND RECLAMATION

A. Authorization for Capture and Impoundment:

In addition to the authority to issue citations set out in Article II above, Animal Control Officers are hereby further authorized to take or capture animals deemed by them to be included in the categories listed below, and to impound them at an Animal Control Facility or other appropriate location where the animals will be confined in a humane manner. Such officers may utilize such means as is necessary in order to capture an animal which appears to be vicious or is not able to be captured in any other humane manner. The officer may destroy such animal if necessary to avoid a physical threat to human beings.

1. Animals at large, mistreated or abused animals and nuisance animals.
2. Animals which constitute a safety or health hazard.
3. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible person present to take possession of the animal.
4. Animals which will apparently be and have been left uncared for as a result of the death, arrest, detention or other incapacitation of the owner or keeper.

B. Notice of Impoundment:

If, by tags or other identification attached to the animal or any other information given to the Animal Control Facility, the owner of an impounded animal can be identified, an Animal Control Officer or other Animal Control Facility representative shall, immediately upon impoundment, notify the owner of such impoundment by telephone or mail.

C. Minimum Time for Impoundment of Unclaimed Animals:

Unclaimed animals shall be kept at the Animal Control Facility or other appropriate location for not less than twenty (20) days after impoundment unless euthanasia prior to that time is deemed necessary or appropriate by the Animal Control Officer.

D. Reclamation of Certain Animals Restricted or Prohibited:

Any pet animal which constitutes a known safety or health hazard, or which poses a known physical threat to human beings, shall not be released to the owner or any other person. The animal control facility may euthanize animals which, in the opinion of the

animal control supervisor and/or a veterinarian advising the facility, constitute a safety or health hazard, or which pose a physical threat to human beings.

- E. It shall be unlawful for any employee of the animal control facility to redeem any dog or cat or become directly or indirectly interested in the reclamation or adoption of any dog or cat not owned by such employee of the Animal Control Facility prior to its impoundment.
- F. Fees for Reclaiming:
 - 1. Any person owning, possessing or keeping a dog or cat which has been impounded may claim and retrieve such from the Animal Control Facility by payment of a fee of Ten Dollars (\$10.00) per day that the animal remains in custody. If said dog or cat has not been vaccinated against rabies within the immediately preceding twelve (12) months, said dog or cat shall not be reclaimed. An owner or keeper reclaiming an impounded dog or cat shall present a current certification of rabies vaccination for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide evidence of current rabies vaccination, the owner or keeper may place a cash deposit of Fifty Dollars (\$50.00) with the Animal Control Facility, to be refunded upon presenting, within ten (10) business days thereafter, such evidence of current rabies vaccination.
 - 2. An owner or keeper may reclaim an unlicensed intact animal upon placing a Seventy-Five Dollar (\$75.00) deposit with the Animal Control Facility, to be refunded upon presenting within twenty (20) business days thereafter, evidence issued by a licensed veterinarian that said animal has been spayed or neutered or that to do so will endanger the life of the animal.
 - 3. Failure to present appropriate evidence within the specified time period will result in the forfeiture of the cash deposit, which shall become the property of the City of Dothan and will be grounds for impoundment of the animal for which another deposit for release for vaccination shall be required, and citation for violation of this chapter.
 - 4. Unlicensed animals shall not be reclaimed except as herein provided.

Article VIII– ADOPTION OF DOGS AND CATS

A. Adoption of Dogs or Cats by Humane Society

- 1. If not claimed by the owner or keeper, the city may transfer ownership of any dogs or cats held at the city Animal Control Center after the expiration of the detention period, to the Wiregrass Humane Society, or any animal agency that can provide Internal Revenue Service nonprofit status and is approved by the City Commission and upon obtaining possession of each such dog or cat, agree not to release the animal

to any person other than the owner or person in charge until the following requirements have been met:

- (1) Dogs and cats three months of age or older have received a rabies inoculation;
 - (2) Male dogs and cats six months of age or older have been neutered;
 - (3) Female dogs and cats four months of age or older have been spayed; and
 - (4) Male dogs and cats less than six months of age and female dogs and cats less than four months of age shall be adopted with the proviso in the certificate of adoption requiring neutering or spaying at the proper age with the proviso being accepted and signed by the adopter. Proof of the procedure must be furnished to the Animal Control Center within thirty days of the animal reaching the proper age. Failure to do so is a violation and results in retrieval of the animal.
2. The city shall not transfer ownership for purposes of adoption of any dog or cat that is maimed or diseased and, in the opinion of the Animal Control Officer, not suitable for adoption. This subsection, however, shall not be construed to preclude transfer of an injured, maimed or diseased dog or cat to a veterinarian agreeable with the Wiregrass Humane Society, or other approved agency, with payment for subsequent veterinary service to be made by the Wiregrass Humane Society or by other approved agency, respectively, when it is mutually agreed to by the authorized agent of the Wiregrass Humane Society or the authorized agent of an approved agency and the Animal Control Officer.
 3. If the owner of an injured animal is unknown and the animal has been hospitalized by a licensed veterinarian for a period of five days, the animal may be released to the veterinarian upon his request.
 4. The city shall not transfer ownership of any dog or cat to any group or individual that is known to have bitten a person or to have bitten another animal without justifiable provocation.

B. Adoption of Dogs or Cats by Individuals

A dog or cat may be released from the animal control facility for adoption by an individual as a pet as follows:

1. The adoptive owner shall complete an animal adoption application prior to adoption. The Animal Control Officer may deny the request to adopt an animal based upon the person's inability to provide a suitable home or properly care for the animal and to prevent it from becoming a nuisance.

2. Upon approval of the application for adoption, the adoptive owner must sign an adoption agreement and pay the adoption fee in the amount of Twenty-Five Dollars (\$25.00).
3. Failure to comply with the terms of the adoption agreement shall result in the immediate retrieval of the animal by the Animal Control Officer.
4. Upon the adoption of any animal from the animal control center, the adopter shall place a cash deposit in the amount of Twenty-Five Dollars (\$25.00) for any dog or cat which has not been vaccinated for rabies within the immediately preceding twelve (12) months. The adopter shall also place a Fifty Dollar (\$50.00) cash deposit for every intact dog or cat adopted.
5. An adoptive owner may receive a refund of the vaccination and/or spay/neuter deposit if, within twenty (20) days of adoption, evidence is presented to the Animal Control Officer issued by a licensed veterinarian that said animal has been spayed or neutered and/or vaccinated.
6. Failure to present appropriate evidence within the specified time period will result in forfeiture of the cash deposit and will be grounds for confiscation of the animal, which shall then become the property of the City of Dothan. Adoptive owners shall have thirty (30) days to license their animals without penalty under this ordinance.

Article IX – KEEPING OF LIVESTOCK RESTRICTIONS

- (a) It shall be unlawful for any person to keep or maintain within the city any livestock or fowl unless kept at all times in an enclosed area at a distance of not less than 35 feet from the residence of any other person or any church, school, public building or playground, except Chinese or Vietnamese Miniature Potbellied Pigs may be maintained as pets.
- (b) Shelter and enclosed space allotment shall be of adequate size for each such animal to be maintained in a healthy, humane and secure manner so as to prevent any harm to the animal or cause any nuisance to citizens.
- (c) The restrictions provided in subsections (a) and (b) of this section, insofar as applying to the place where any livestock or fowl may not be kept in the city, shall not apply to the following:
 - (1) Slaughterhouses licensed by the city and permitted by a regulating governmental agency.
 - (2) Livestock or fowl kept at or on the premises of any veterinary hospital operated by a duly licensed veterinarian.

- (3) Livestock or fowl kept at or on the premises of any laboratory, hospital or scientific institution for scientific purposes.
- (4) Animals with circuses, carnivals, fairs, rodeos, horse shows or other animal shows operating within the city, which have been issued a permit by the City.
- (5) Horses or animals of like kind kept by a public or private riding club or by any person or group of persons for riding or show, provided at least one person is employed to clean the premises and provided, further, that a permit for such keeping shall first be obtained from the Animal Control Officer, such permit to be granted on application to and inspection by the Animal Control Officer and health officer.
- (6) Animals or fowl kept on the premises of the animal control facilities designated by the board of commissioners as provided in this Code or state law.
- (d) Any person who keeps livestock or fowl in the City by virtue of the exceptions contained in this section shall be responsible for compliance with all other relevant requirements provided in this chapter.
- (e) Every person who keeps any animal or fowl within the City limits or its police jurisdiction shall permit the Animal Control Officer or health officer to go on the premises at any reasonable time to inspect such premises and comply with all directions given by the Animal Control Officer or health officer pertaining to compliance with this chapter.

Article X – PENALTIES

- A. Any person found guilty of violating any provision of this Ordinance, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as set forth below.
- B. Any violation of any provision of this Ordinance involving bodily injury to any person by a dog or other pet animal shall be a misdemeanor punishable by a maximum sentence of six (6) months imprisonment or \$500.00 fine, or both, for each separate offense. The penalty assessment procedure shall not be used for any violations involving bodily injury to any person and the violator shall be issued a summons and complaint to appear in court.
- C. Any violation of any provision of this Ordinance not involving bodily injury to any person by a dog or other pet animal shall be an offense punishable by a fine of not more than \$500.00 or imprisonment in the City jail for not more than 90 days, or both, for each separate offense.

1. The penalty for violation of any provision of Article VI(B) (Vicious Dogs) and VI(I) Abandonment) shall be \$100.00 for the first offense and \$150.00 for the second offense.
2. The penalty for any violation of Article VI(C) having a licensed dog at large shall be \$20.00 for the first offense, \$30.00 for the second offense and \$50.00 for subsequent offenses. The penalty for having an unlicensed dog at large shall be \$50.00 for the first offense and \$100.00 for subsequent offenses.
3. The penalty for any violation of Article VI(C) and (D) (having a licensed cat at large or disturbance of the peace) shall be \$20.00 for the first offense, \$30.00 for the second offense and \$50.00 for subsequent offenses. The penalty for having an unlicensed cat at large shall be \$50.00 for the first offense and \$100.00 for any subsequent offense. It is further provided however that no owner or keeper of a cat shall be charged with a violation of this section unless they or a member of their household over the age of eighteen (18) years has received a written warning from an Animal Control Officer of a previous complaint at least once within the preceding six (6) months.
4. The penalty for violation of any provision of Article VI(E) (Disruptive Animals) shall be \$75.00 for the first offense and \$150.00 for the second offense.
5. The penalty for violation of any provision of Article VI(F) shall be \$50.00 for the first offense and \$75.00 for the second offense.
6. The penalty for violation of any provision of Article VI(G) (Improper Care or Treatment) and Article IV(H) (Quantity of Pet Animals) shall be \$100.00 for the first offense.
7. An additional court fine of \$100.00 for a dog shall be issued for an intact animal which is cited for any of the following violations of the Ordinance: “at large”.
8. Violations.

Failure to comply with the licensing, registration and mandatory spaying and neutering provisions of this ordinance shall result in a fine for the first offense in the amount of \$200.00. Subsequent offense shall be punished in an amount not less than \$250.00 per offense.

9. The penalty for violation of any provision of Article IX (Livestock) shall be \$25.00 for the first offense and \$50.00 for the second offense.
- D. The fees, deposits and fines as established by this Ordinance may be changed from time to time by action of the Board of Commissioners.

Article XI - LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE

The City of Dothan Board of Commissioners, Animal Control Officers, the Humane Society of the City of Dothan, any assistants or employees of the Board of Commissioners or the Humane Society for the City of Dothan, or any other person authorized to enforce the provisions of this Ordinance Concerning Animal Control shall not be held responsible for any damage, accident or subsequent disease that may occur in connection with the administration of this Ordinance.

Article XII – SEVERABILITY

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect impair, or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

Article XIII - SAFETY CLAUSE

This Board of Commissioners hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.

Article XIV PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published in the *The Dothan Eagle* once by title only with the date of the initial publication and containing any section, subsection or paragraph of the ordinance which was amended following the initial publication and shall take effect thirty (30) days after the date of the publication in the *The Dothan Eagle*.

Upon motion duly made and seconded, the foregoing Ordinance was adopted on the ____ day of _____, 2008.

PASSED, ADOPTED AND APPROVED THIS THE ____ day of _____, 2008.

Mayor

Associate Commissioner

Associate Commissioner

Associate Commissioner

Associate Commissioner

Associate Commissioner

Associate Commissioner
BOARD OF COMMISSIONERS

ATTEST:

Pam McCoy
City Clerk