

ORDINANCE 2016-002-R1

**AN ORDINANCE OF THE TOWN OF GURLEY, ALABAMA, RELATING TO
ANIMAL CONTROL**

WHEREAS, the Town of Gurley is empowered to enact ordinances to protect and to promote the general public health and welfare and to take action to enforce said ordinances; and

WHEREAS, the Town of Gurley desires to implement a fair, uniform, and efficient procedure for dealing with violations related to animals and animal control.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GURLEY, ALABAMA, AS FOLLOWS:

Section 1. Title.

This Ordinance shall be known and cited as the **Gurley Animal Control Ordinance**.

Section 2. Authority and Enforcement.

A. The provisions of this Ordinance are enforceable by any Town animal control officer, law enforcement officer, or other duly designated agent or employee of the Town. Said officer has the right to go onto private property when necessary to carry out the requirements of this Ordinance.

B. When any animal is found by an animal control officer or police officer to be in violation of any provision of this Ordinance, except those provisions as otherwise provided in this Ordinance and the person responsible becomes known to an animal control officer, he may issue a citation to the owner or person in charge for such violation, directing him to appear in the Municipal Court at a time and a date stated in the citation to answer to charges of violations of this Ordinance; and such charges shall be stated in the citation.

C. For the purposes of discharging the duties imposed by this Ordinance and to enforce its provision, the animal control officer and/or any police officer of the Town are empowered to enter upon any premises upon which an owner and/or animal is in violation of this Ordinance and in the presence of such animal control officer and/or police officer of the Town for the purpose of obtaining information for the issuance of a summons and complaint or of impounding such animal or as necessary for the enforcement of any provision of this Ordinance.

D. Any animal control officer who is authorized to carry a firearm and is assisting in impounding any animal shall have the authority to shoot and kill such animal if, in attempting to capture the animal or in otherwise keeping the animal, it shall become an immediate hazard to the safety of such person or to the safety of persons or animals in the immediate vicinity. In lieu of a firearm, the animal control officer may utilize a tranquilizer dart gun. No animal control officer

shall carry or use a firearm or tranquilizer dart gun without first receiving proper instruction and training on its use and maintenance.

Section 3. Interfering with an Officer.

It shall be unlawful and a violation of this Ordinance for any person to interfere with, hinder, molest, prevent, or obstruct an animal control officer, police officer, employee, or agent of the Town or of Madison County, or any authorized Madison County Health Department official or official of the Alabama Department of Public Health engaged in the enforcement of this Ordinance or in the performance of their duties as set forth in this Ordinance.

Section 4. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Animal means any organism of the kingdom Animalia other than a human being, especially a mammal, fish, bird, arachnid, insect or reptile.

Animal Shelter/Rabies Control Center means the place designated or used as such by the Town for a place of confinement for animals held under the authority of this Ordinance.

Animal Control Officer means an official designated by the Town to supervise the enforcement of this Ordinance and to perform other related duties as required by the Town.

At Large means any animal off the property of its owner or person in charge and not carried by such person, or kept in an effective enclosure, or under control by means of a leash, or any animal on the real property of its owner or person in charge not under restraint.

Bird means any warm-blooded vertebrate of the class Aves that has a body covered with feathers and forelimbs modified into wings.

Bitten means 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 medical provider.

Cage means an enclosed structure that confines animals and restricts access of other animals.

Caged means confined in a cage, which may include a vehicle, in such a way that the free movement of an animal is restricted so that the animal is prevented from biting or attacking a person or animal or roaming at large.

Canine Corps Dogs means those members of the canine family maintained by governmental agencies for exclusive use in official duties assigned to those agencies. Service and therapy animals shall be included within the meaning of this definition.

Cat means any member of the domestic Feline family, three months of age or older.

Complaint means a formal accusation that an incident or condition in violation of this Ordinance has occurred. A complaint must be reduced to writing and must bear the signature(s) of the complaining party(ies) to be recognized as a complaint for purposes of this Ordinance.

Corral means any uncovered, enclosed parcel of land in which animals, typically horses or cattle, are kept.

Dangerous Animal means:

A. Any mammal, amphibian, fish, reptile or fowl which is of a species which, due to size, vicious nature, or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, alligators, crocodiles, fish, and insects, arachnids or snakes which are venomous or otherwise present a risk of serious physical harm or death to human beings or their environment as a result of their nature or physical makeup including, but not limited to, boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons, African rock pythons, Amethystine pythons, Boelen's pythons and all members of the family Pythonidae that exceed six feet in length.

B. Any animal which has been determined by a court of law to be a dangerous animal.

C. Any animal which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

Dog means any member of the domestic Canine family three months of age or older.

Exotic means an animal which would ordinarily be confined to a zoo, or one which would ordinarily be found in a wilderness of this or any other country; or a species not indigenous to the United States or to North America or which causes zoonotic diseases or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm, the latter including but not limited to raccoons, bobcats, coyotes, wolves, hybrid wolves, monkeys and other such animals. Wild or exotic animals specifically include all species of reptiles but do not include animals of a species customarily used in the State as ordinary household pets, animals of a species customarily used in the State as domestic farm animals, domestic birds or insects, or fish confined in a pond, a lake, or an aquarium.

Fowl means a domestic bird used in the market or household for food consumption, such as a chicken, duck, goose, guinea, peafowl, turkey, pheasant, pigeon or other avian species.

Harbor means to possess, keep, maintain, confine, board or otherwise provide food and/or shelter to an animal.

Has Been Exposed means 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 medical provider.

Health Department means the Madison County Health Department located at 301 Max Luther Drive, Northwest; Huntsville, Alabama 35811.

Health Officer means a duly authorized employee of the Madison County Health Department or the Alabama State Department of Health

Horse means any member of the Equine family.

Humane means characterized by tenderness, compassion and sympathy for animals.

Humane Society means the Greater Huntsville Humane Society located at 2812 Johnson Road, #A; Huntsville, Alabama 35805

Humane Trap means an enclosure in which an animal can be caught without causing injury, pain or undue suffering to the animal after being caught.

Immunization Against Rabies means the injection, in a manner approved by the Alabama Department of Public Health, an officer of said Department, and/or the State Veterinarian, of antirabies vaccine approved by the Alabama Department of Public Health. The administration of antirabies vaccine to species other than those for which reliable immunization data is available shall be a violation of the Code of Alabama 1975, § 3-7A-1 *et seq.*

Impound means to seize, confiscate, remove, take possession of, confine, or capture an animal.

Keep means to hold, confine, harbor, retain possession of, provide sustenance for, or allow to remain.

Kennel means an establishment or structure used for harboring, raising, training or boarding more than three animals that are more than six months old.

Nuisance Animal means an animal that threatens the safety of or damages a member of the general public or interferes with the ordinary use and enjoyment of another's property. See also **Public Nuisance**.

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

Pen means an enclosure for housing and feeding animals.

Person In Charge means any person in whose charge an animal is being kept and all the responsible adult members of the household in which an animal is kept, allowed, or suffered to remain.

Proper Enclosure For A Dangerous Or Vicious Animal means an enclosure that is suitable to prevent the entry of the general public and that:

- A. Is capable of being locked with a key, keypad or combination lock when the animal is within the structure or when the structure is unattended;
- B. Has secure sides, a secure top and a secure concrete, or other comparable material, bottom and is attached securely at all sides. All four sides of the structure must be sunk at least one foot into the ground to prevent the animal from digging out;
- C. Provides adequate ventilation and protection from the elements;
- D. Exhibits a sign conspicuously posted upon the property and the pen or structure containing the following: “Dangerous Animal - No Trespassing;” and
- E. Is constructed to allow the animal to stand normally and without restriction and shall be not less than fifteen (15) square feet.

Public Nuisance means any animal, or any condition resulting from an animal, that reasonably annoys human beings, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than its owners, to enjoyment of life or property. See also **Nuisance Animal**.

Quarantine For Rabies Observation means confinement under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten days subsequent to the date of the exposure, or as otherwise directed by the health officer.

Rabies Officer means a licensed veterinarian duly appointed and approved by the Madison County Health Department, Alabama Department of Public Health, and/or the State Veterinarian.

Reptile means any cold-blooded vertebrate of the class Reptilia that has a body covered with scales. This includes, but is not limited to, the families of snakes, lizards, chelonians, crocodylians and Tuataria.

Restraint Off Premises means restrained by means of a leash or humane restraining device.

Restraint On Premises means confined within the property limits of its owner or person in charge by a suitable fence or securely restrained within the premises by a leash or humane restraining device affixed to a securely fixed object.

Run means an enclosed structure that confines animals and restricts access to or from other animals.

Run At Large includes all times and places when the 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 of the animal.

Shelter For Outdoor Dog means a shelter with a roof, enclosed sides, a doorway and a solid floor that provides protection from the elements.

Stable means a building for the lodging and feeding of horses, cattle, etc.

State Veterinarian or **State Public Health Veterinarian** means a duly authorized and licensed doctor of veterinary sciences for the State of Alabama employed by the Alabama Department of Public Health and/or Alabama Department of Agriculture and Industries.

Stray Animal means any animal running at large, the owner or person in charge of which is unknown.

Swine means any member of the porcine family.

Vicious Dog means:

- A. Any dog with a known history, tendency, propensity or disposition:
 - 1. To attack or bite humans or other domestic animals unprovoked;
 - 2. To chase humans;
 - 3. To approach, chase or charge in a threatening manner persons in public areas;
 - 4. To cause injury or death to, or to otherwise endanger the safety of humans domestic animals without provocation.

OR

B. Any dog found to have bitten or attacked a human being or other domestic animal without provocation, whether or not such animal has previously actually bitten or attacked a person or other domestic animal.

OR

C. Any dog administratively determined by the Town Administrator or legally by a court of law to be a vicious dog.

D. A vicious dog does not include:

1. A dog assisting an officer of the law engaged in law enforcement duty (see also Canine Corps, Service or Therapy Animal); or

2. A dog that attacks or inflicts bites upon a trespasser of a fully-enclosed building or securely enclosed within a wall or fence.

Wild Animal means the same as “Exotic Animal” above.

Section 5. Keeping Animals Generally.

A. It shall be unlawful for any person to keep, harbor or maintain more than three (3) dogs and/or cats, and three (3) hens (See **Section 7, Keeping Chickens.**). This Section shall not apply to a licensed veterinarian, kennel or pet shop. This Section shall not apply in areas zoned for agricultural use or to animals that are kept inside the premises of a residence in a sanitary manner.

B. It shall be unlawful for any person to keep within the Town any animal unless such animal is kept in a stable, pen, run, corral or other structure as provided in this Section or unless such animal is wildlife or habituates a public park.

C. Animals of the Equine, Bovine or Ovine type, rabbits or animals of the Hare family, monkeys and apes may not be kept in the Town limits, except in areas zoned for agricultural use, and such animals must not be kept within 300 feet of any residence (other than that of the owner or tenant of the property), school, church, hospital, public building, public park or playground within the Town, except such animals may be kept no closer than 150 feet if kept in an enclosed barn, stable, cage, corral or other enclosure.

D. No animal shall be kept or allowed to remain by the owner or person in charge of the animal or premises at any structure that is unoccupied or that has been condemned as a nuisance by a Madison County Building Inspector, if no person is permanently residing on the premises, or if the occupants of the structure have been absent from the premises for at least one month or more and there is nothing to indicate the occupants will return within that time period. This prohibition shall not apply if the structure is properly licensed and permitted to operate as a kennel or animal boarding house, the structure is maintained by a veterinarian for the treatment of animals on a temporary basis, or the structure is owned by a governmental entity with the animal to be used for law enforcement purposes.

Section 6. Keeping Pigs and Hogs.

Except as otherwise provided in the Town Zoning Ordinance, it shall be unlawful for any person to keep or maintain any pig, hog or swine within the Town. This Section shall not apply to areas zoned for agricultural use.

Section 7. Keeping Chickens.

With the exception of areas zoned for agricultural use, it shall be unlawful to keep any fowl other than no more than five chickens (hens only) on any premises within the Town. No roosters may be kept on any premises not zoned for agricultural use. All hens must be kept in an appropriately built and sized enclosure no closer than 150 feet to a residential structure other than that of the owner of the chickens. In areas zoned as residential, all enclosures for hens must be located to the rear of the primary residential structure. Should a formal complaint be filed with the clerk as to noise or any other nuisance the homeowner must work with the town to mitigate the complaint. Should the homeowner fail, or otherwise refuse to provide an acceptable remedy, then the process for nuisance abatement shall apply.

Section 8. Immunizations and Tags Required.

A. It shall be unlawful for any person to own, keep, maintain, possess, harbor, or have any property interest in any dog within the corporate limits of the Town unless such dog shall have attached to it a collar or harness and shall have a rabies tag attached to such collar or harness as provided by Code of Alabama 1975, § 3-7-4, as presently required or as hereinafter provided. It is further unlawful for any person to own, keep, maintain, possess, harbor or have any property interest in any cat or ferret within the corporate limits of the Town unless such cat or ferret shall have been immunized pursuant to Code of Alabama 1975, §§ 3-7A-1 through 3-7A-15, and shall be able to produce documentation of said immunization upon request by the animal control officer, his designee, or any law enforcement officer.

B. It shall be unlawful for any person to possess, keep or harbor in the Town or the police jurisdiction thereof any ferret, dog, or cat that has not been vaccinated as provided in the following Subsection within the preceding 36 months.

In order to be sufficient under this Ordinance, every owner of a ferret, dog, or cat shall cause said ferret, dog, or cat to be immunized pursuant to Code of Alabama 1975, §§ 3-7A-1 through 3-7A-15. Such vaccination shall be evidenced by a tag attached to such dog or documentation of said immunization for said ferret or cat showing that such ferret, dog, or cat has been vaccinated for rabies as required by the laws of the State within the preceding 36 months.

C. The inoculation of ferrets, dogs or cats pursuant to the requirements of this Ordinance must be made in accordance with the law of the State, as set forth in Code of Alabama 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 Alabama 1975, §§ 3-7A-1 through 3-7A-15 is adopted by reference and made a part of this Ordinance as though set out fully herein.

Section 9. Confinement of Animal that Has Bitten or Injured a Human Being.

A. It shall be the duty of the owner or person in charge of any animal which has bitten or otherwise injured a human being to immediately notify the animal control officer or police department of such fact upon learning thereof, and it shall also be the duty of such owner or person in charge to securely confine such animal at a licensed veterinary clinic at the owner's expense for not less than ten days.

B. It shall be unlawful for any person having knowledge that any person has been bitten by any such animal to refuse to notify the animal control officer or police department. It shall also be unlawful for the owner or person in charge of any such animal to refuse or to fail to comply with the written recommendations made by a county health officer or animal control officer in any particular case.

C. Any expenses incurred in the handling of any animal under this Section shall be borne by the owner or person in charge.

D. The veterinarian under whose care the animal has been committed shall report the results of his observations of the animal to the attending physician of the person bitten.

E. Any animal known or reported to have bitten a person shall be confined by the owner or person in charge as provided in this Section, or, in the alternative, the owner or person in charge may authorize the Madison County Health Department or the animal shelter to dispose humanely of the animal and to submit its head to the Alabama Department of Public Health for proper examination and tests.

F. In the case of any animal confined by the animal shelter which is known or reported to have bitten a person, and which is a stray animal with no owner, or a wild animal that was in confinement or captured after the bite, or where the owner or person in charge of an exotic or wildlife pet agrees in writing, the animal may be humanely destroyed immediately after the bite and the head submitted Alabama Department of Public Health for proper examination and tests.

Section 10. Possession of Animal Exposed to Rabies or that Is Rabid or Thought To Be Rabid.

It shall be unlawful for any person to keep, harbor, or maintain on or about any place or premises in the Town limits an animal which is known to have or reasonably suspected of having rabies or which has been or reasonably suspected to have been bitten or otherwise injured by or in contact with another animal afflicted with or suspected of being afflicted with rabies in such a manner as to permit further transmission of such disease, unless such animal or other animal so bitten, injured, or in contact, shall be securely confined with a licensed veterinarian approved or designated by the Town.

Section 11. Quarantine and Impoundment to Control Rabies.

A. The animal control officer, police officers, or county health officer shall have authority to quarantine or require confinement of any or all animals in any part or all of the Town for such period of time and in such manner as he may determine whenever he considers same necessary for the control of rabies and the protection of the public health, safety and welfare.

B. The animal control officer, police officers, or county health officer shall have the right at any time to move or cause to be moved to a place designated by any of them for observation or examination any animal which is reasonably suspected to be afflicted with rabies or which has bitten or otherwise injured a human being in such manner as would permit or favor the transmission of the virus or rabies. It shall be unlawful for any person to hinder, obstruct, or interfere with the animal control officer, police officer, or county health officer in the exercise of the authority herein conferred upon him. It shall be the duty of the animal control officer, police officer, or county health officer to destroy or cause to be destroyed any animal found to be afflicted with rabies pursuant to the provisions of this Ordinance.

Section 12. Chaining of Animals.

It shall be unlawful to tie, restrain or chain any animal in a manner that presents a hazard to the animal or to the general public.

Section 13. Stealing Animals.

It shall be unlawful for any person to entice or take any animal out of an enclosure on the property of the owner without the consent of the owner.

Section 14. Keeping Exotic, Wild and/or Poisonous Animals; Keeping Venomous Reptiles.

A. It shall be unlawful for any owner or person in charge to keep any dangerous, wild or exotic animal on his premises in the Town.

B. It shall be unlawful for any owner or person in charge to keep, maintain or house a venomous reptile within the Town.

C. It shall be unlawful for the owner or person in charge to keep or permit to be kept on any premises in the Town any exotic, wild, dangerous or poisonous animal for display or for exhibition purposes either gratuitously or for a fee.

D. The provisions of this Section shall not apply to lawfully operated and located pet shops, zoological gardens, scientific research laboratories, circuses, veterinarians harboring such animals for purposes of providing professional medical treatment, or wildlife rehabilitators with proper permits. The confinement of wild or exotic animals must meet the regulations promulgated by the Alabama Department of Conservation and Natural Resources, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, all such venomous reptiles and all

such wild or exotic animals shall be confined, restrained and controlled in fully-enclosed quarters and in such manner that the physical safety or property of any person lawfully entering the premises shall not be endangered, and so as to prevent escape of any such animal.

Section 15. Humane Traps.

A. Any animal control officer is hereby authorized in order to apprehend animals in violation of this Ordinance which are otherwise difficult to apprehend, to use traps designed to humanely capture such animals by placing the traps upon any public property of the Town, upon the right-of-way of any public street or highway, or upon the private property of any person granting permission therefor. It shall be the duty of the animal control officer to check such traps daily and remove any captured animals therefrom to the animal shelter where they shall be disposed of as provided in this Ordinance. It shall be unlawful for any person to molest or tamper with any such trap or to remove any animal captured in such trap or to interfere with an animal control officer in setting or servicing any such trap.

B. Any owner or person in charge of any premises within the Town may set his own humane trap on such premises for the purposes of removing any animal, except songbirds, which have entered onto the premises. It shall be the duty of the owner or person in charge of the premises to check such trap daily and deliver any domestic animal captured to the animal shelter or to the animal's owner.

C. Any owner or person in charge of any animal captured in a humane trap which is off the premises of the owner or person in charge thereof shall be *prima facie* presumed to have allowed, suffered or permitted such animal to be or to run at large.

Section 16. Removal of Animal Waste.

A. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners' or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
2. Removal of such bag or container to the property of the animal owner or custodian and disposition by placement in an authorized receptacle for collection by the Public Works Department or burial in a sanitary manner on the property of the owner or custodian or as otherwise provided by law.

B. It shall be unlawful for any person to cause or permit an animal to be on property, public or private, not owned or possessed by such person unless such person has in his immediate

possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

C. No person owning, harboring or keeping an animal within the Town shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

D. No person owning, harboring or keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

E. The provisions of Subsections A through D of this Section shall not apply to an authorized service or therapy animal in the immediate possession of a person who is visually, mentally, or physically disabled.

Section 17. Nuisance Animals.

It shall be unlawful for any owner or person in charge of any animal to own, keep, possess or maintain such animal in such a manner as to constitute a public nuisance. Such acts include but are not limited to:

A. Allowing or permitting an animal to damage the property of anyone other than its owner, including but not limited to, entering or overturning garbage containers, or damaging garden beds, flowers, or vegetable plantings or defecating on the property of another;

B. Maintaining an animal in an unsanitary environment which results in offensive odors or danger to the animal or to the public health, safety or welfare, or failing to maintain the animal in a condition of good order and cleanliness which increases the possibility of disease transmission;

C. Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare because of the number, type, variety, density or location of animals on the property;

D. Maintaining an animal without adequate medical treatment or that is diseased or dangerous to the public health;

E. Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, joggers, bicycles or other vehicles, or at other animals being walked on a leash.

F. Keeping, harboring or maintaining any animal, or any condition resulting from an animal, that unreasonably annoys human beings, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than its owners, to enjoyment of life or property.

Section 18. Duty of Owner to Remove Overturned or Scattered Garbage.

It shall be the duty of the owner or person in charge of any animal which has been allowed or suffered by such person to run at large, to pick up and remove to the landfill, or to a secure authorized container, any garbage or refuse which the animal has caused to be overturned, spilled or scattered upon any residential lot occupied for human habitation, or upon any adjacent right-of-way, upon demand from the owner or occupant, or upon demand of any animal control officer or law enforcement officer. It shall be unlawful for any such person to fail or refuse to do so; however, no prosecution shall be commenced and no arrest made pursuant to this Section except upon affidavit made before and warrant issued by a duly appointed Municipal Judge or Magistrate of the Town.

Section 19. Noisy Animals.

A. It shall be unlawful and a nuisance for any person to keep on a residential lot or premises within the Town any animal or group of animals that habitually, continuously or intermittently make or emit sounds or noises of such volume and nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of a person of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent or nearby property.

B. It shall be unlawful and a nuisance for any person to keep on any tract, lot, or premises within the Town any animal or group of animals, whether the same is housed in a corral, kennel, pen or other structure, under such circumstances that the sounds or noises emitted by said animals are of such volume and nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of a person of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent or nearby property used for residential purposes.

C. The procedure for abatement of a noisy animal shall be as follows:

1. Upon first complaint to the police department of a noisy animal, the responding officer shall complete an incident report relating the facts of the complaint to be signed by the complaining party. Multiple complaints by the same party within a single 24-hour period will constitute a single complaint.
2. After receiving a signed complaint, the officer shall also attempt to notify the owner of the animal to advise said owner that the animal is alleged to be in violation of this Section 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 Gurley Police Department. Said incident report shall remain on file at the Department for a minimum period of two years and that subsequent complaints may result in the issuance of a citation and an appearance in Municipal Court.

3. If the responding officer is unable to contact the animal's owner at such time the complaint is made, the Gurley Police Department shall send a written warning in the U.S. mail, first-class postage prepaid, within ten business days of said incident. The most recent record on file in the Madison County Tax Assessor's Office shall be considered the proper address for purposes of notice under this Section. Said warning shall detail the complaint and advise the owner that subsequent complaints may result in the issuance of a citation and an appearance in Municipal Court.
4. Upon a second complaint of a noisy animal within any continuous 90-day period which includes a prior complaint, the responding police officer or an animal control officer shall issue a citation charging the owner with a violation of this Section, and ordering the owner to appear in Municipal Court to answer the charges.

Section 20. Odor from Animals.

A. It shall be unlawful and a nuisance for any person to keep on a residential lot or premises within the Town any animal or group of animals, that habitually, continuously or intermittently create odors so offensive as to unreasonably interfere with or disturb or interfere with a person of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent or nearby property.

B. It shall be unlawful and a nuisance for any person to keep on any tract, lot or premises within the Town any animal or group of animals, whether the same is housed in a corral, kennel, pen, or other structure, under such circumstances that the odors from such animals interfere with or disturb a person of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent or nearby property.

Section 21. Sanitation of Premises in which Animals Are Kept.

A. It shall be unlawful for any owner or person in charge to keep or maintain a yard, run, corral, pen, stable or any structure in which animals are kept to be in such an unsanitary condition that the lives or health of the public, of the owner, the person in charge, their family, or the animals contained therein shall be endangered. This condition will be deemed to exist when the yard, run, corral, pen, stable or other structure shows evidence of not being cleaned each day. The presence in or about such structure of flies, larvae of flies, roaches, rats, mice or other vermin or conditions that permit or favor the growth, existence or development of such shall be *prima facie* evidence of failure to comply with this Section.

B. Any yard, run, corral, pen, stable or any structure in which animals are contained shall be kept free of debris, manure, and residue, which shall be disposed of in a proper and sanitary manner.

C. All yards, runs, corrals, pens, stables or other structures in which animals are kept shall comply with all regulations of the Alabama Department of Public Health and/or the Madison County Health Department regarding same.

Section 22. Abandoning Animals.

It shall be unlawful for any person to transport any domestic animal or any exotic animal, including but not limited to fish and reptiles, into the Town and subsequently abandon or set loose said animal.

Section 23. Animal Cruelty.

A. It shall be unlawful if a person in charge of an animal:

1. Fails to provide a source of water which is secured so that it may not be rendered useless by the animal, or a source of food which is adequate to keep the animal properly nourished. The source of the water must also be of an adequate amount given the size of the animal and the environment in which the animal is kept to prevent the animal from overheating or dehydrating;

2. Overrides, overworks, overloads or overdrives any animal, causing physical pain or suffering;

3. Beats, tortures, injures, torments, poisons, deprives of necessary sustenance or mutilates any animal, causing physical pain, suffering or death;

4. Fails to provide adequate medical treatment for any sick, diseased or injured animal or any animal suffering from any type of parasitic infestation;

5. Keeps any animal under insanitary or inhumane conditions which are detrimental to the animal's health and general welfare, or fails to maintain the animal in a condition of good order or cleanliness which increases the probability of transmission of disease;

6. Teases, molests, baits or harasses any animal;

7. Promotes, permits, stages, holds, manages, conducts, carries on, or attends any game, exhibition, contest, fight or combat involving one or more animals or involving animals and humans, or trains, baits or uses any animal for the purpose of causing or encouraging the animal to attack human beings or domestic animals;

8. Fails to provide adequate shelter for an animal, within 24 hours, wherein the animal can be protected from the extremes of weather (heat, cold, rain, wind, sun, etc.), provided such person is the owner or person in charge of such animal;

9. Transports or carries any animal in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cab or container, cage, cross-tether, or other device to prevent the animal from falling out of or being thrown from the vehicle;

10. Places or confines an animal or allows an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or welfare of the animal because of temperature, lack of food or water, or such other conditions as may reasonably be expected to cause suffering, disability or death;

11. Restrains an animal with a leash or humane restraining device that is less than ten feet long, unless walking or training such animal, and such restraint must be fixed in such a manner to allow the animal free use of the restraint without it becoming tangled. The restraint must also be an appropriate weight for the animal and must be affixed to a proper tethering collar with a swivel attachment. An allowable tethering collar shall be a collar which is properly fitted to the dog, made of a suitable material that does not cause damage to the dog's skin, and affixes the dog to a fixed point tether or runner;

12. Maintains any reptile in a manner that is deleterious to its health and well-being. Poor husbandry, poor nutrition, and/or lack of proper preventative care are all considered cruel and deleterious to the welfare of the reptile and are unlawful; or

13. Sets loose any animal that is not native to the climate of North Alabama.

B. Any animal control officer may take any animal into protective custody after an investigation, without the prior consent of the owner or person in charge, if the circumstances or conditions of the animal are such that continuing in the place of residence or in the care or custody of the owner or person in charge presents an imminent danger to that animal's life or health. However, such official shall immediately seek to procure necessary process from the court having jurisdiction over the person from whose custody the animal was removed. The animal shelter shall keep such animal in its custody and control until final disposition of any charges brought against the owner or person in charge, arising from the investigation and removal of the animal.

C. The violation of any provision of this Section shall constitute a misdemeanor and shall result in the removal of the animal when an animal control officer or police officer determines that such removal is necessary for the safety of the animal.

D. This Section shall not be construed as prohibiting the dehorning of cattle, ear or tail docking, or other procedures typically performed by a veterinarian.

Section 24. Confinement of Dogs or Cats During Estrus (Heat).

A. Every female dog or cat in estrus (heat) must be confined by the owner or person in charge in a solid-floored building or structure designed so that the dog or cat cannot come into contact with the ground underneath the floor or with the ground surrounding the structure, so that the scent from the cat or dog will not be transmitted to the neighborhood, or to places where other cats or dogs on the owner's premises are kept. If at any time the scent from a female cat or dog in heat is found to be causing a disturbance to cats or dogs in the neighborhood, it shall be the duty of the owner or person in charge of the dog or cat to immediately confine the animal in such a manner as to avoid a disturbance.

B. Every female dog or cat in estrus (heat) must be confined in a building or structure by the owner or person in charge in such a manner that the female dog or cat cannot come into contact with another dog or cat except for planned breeding.

C. It shall be unlawful for the owner or person in charge of any such cat or dog to fail to comply fully with this Section.

Section 25. Running at Large.

It shall be unlawful and a violation of this Ordinance for an owner or person in charge of any animal to cause or permit such animal to run at large.

Section 26. Animals Running at Large Declared A Nuisance.

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

Section 27. Impoundment of Animals Found Running at Large.

A. Any person within the Town finding any animal running at large about his residence or the residence of which he is in charge may take custody of the animal and deliver the animal to any animal control officer or to the animal shelter as an at-large or stray animal, whether or not the owner or person in charge of the animal is actually known, and whether or not there is any license tag or identification affixed thereto.

B. Any animal found running at large in the Town or its police jurisdiction may be impounded in a shelter designated as a rabies control center or in an animal shelter and may be there confined in a humane manner. Any animal control officer may impound any animals found running at large.

Section 28. Procedures for Impoundment and Redemption of Animals.

A. Immediately upon the apprehension and impoundment of any animal, the animal control officer or any duly authorized representative of the Town 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. The owner shall be entitled to resume possession of an apprehended or impounded animal as follows:

1. Prior to impoundment, an owner may redeem an animal from the animal control officer prior to transport and delivery to the animal shelter or rabies control center immediately following capture of the animal after the owner has proven ownership and compliance with the rabies inoculation requirements of this Ordinance to the reasonable satisfaction of the animal control officer. After ownership of the animal has been established, the animal control officer may issue a citation for any known violation of this Ordinance to the owner. The animal control officer shall then deliver possession of the apprehended animal to the owner.

2. Upon impoundment, the owner shall be entitled to resume possession of any impounded, sheltered animal from the rabies control center, provided the owner shall have first:

a. Paid in full any fines or fees due and owing to the to the Town as a result of the any violation of this Ordinance, and all other charges imposed by the shelter or rabies control center relating to boarding, medical treatment or rabies inoculation fees.

b. Executed the bond as required by paragraph (3) of this Section, should the owner contest the alleged violation.

3. The owner may contest the alleged violation of this Section and demand a Municipal Court trial to the question of his guilt or innocence of such charge. If after receiving a citation for violation of this Ordinance 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 \$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 29. Detention Period, Transfer, Destruction of Animals.

A. After a detention period of five calendar days has expired and an impounded animal 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 that, upon the expiration of not less than an additional five calendar days, said unclaimed animal is subject to destruction, sale or disposal. Such public notice shall be posted in three public places in the Town. Public notice of the pending destruction, sale or disposal of said unclaimed animal shall contain a description of the animal; its age, or if not known, its estimated age; color; sex; weight; breed; owner name and address, if determined.

B. After the legal detention period of five calendar days and no sooner than the conclusion of the additional five calendar days of public notice of pending destruction, sale or disposal of the unclaimed animal, the supervisor or duly-authorized employees of the animal shelter or rabies control center may transfer title to and give ownership of any unclaimed animal to the humane society or to any person or organization deemed by the supervisor to be a responsible and suitable owner, who will agree to comply with the provisions of this Ordinance, including inoculation and payment of the fee or fees herein required. In the alternative, the animal shelter or rabies control center may, after the minimum five calendar day legal detention period and additional five calendar day public notice has expired, destroy an impounded animal pursuant to the expressed authority of Code of Alabama 1975, § 11-47-110. However, any animal under two weeks old or whose eyes have not opened since birth may be humanely disposed of immediately upon being impounded where they have been found to be in violation of this Ordinance.

C. No impounded animal shall be destroyed, sold or otherwise disposed of within any time period less than ten calendar days from the impoundment date, unless a licensed veterinary doctor determines that the animal is in a medical condition such that efforts to sustain its life would be impractical or futile. 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 fewer than four days prior to such destruction, sale or disposal of the impounded animal. Saturdays, Sundays and legal holidays shall not be counted in computing the four days required for such notice. The owner may redeem the animal from the animal shelter at any time during impoundment of the animal prior to the time it is destroyed, sold or otherwise disposed of.

D. After the five-day initial detention period and after expiration of the additional five-day public notice of pending destruction, sale or disposal as hereinabove provided and before the animal is destroyed or redeemed by the owner, the owner shall have been deemed to forfeit his right of redemption. Any other person thereafter may redeem or purchase such animal by paying to the animal shelter or authorized rabies control center for the lodging and board of said animal, plus a fee for vaccination, if required and said animal shall be released from impoundment.

Section 30. Dangerous Animals.

It shall be unlawful and a violation of this Ordinance for any person to own, keep or harbor a dangerous animal or a poisonous or dangerous snake, arachnid, or reptile in the Town. The Town Administrator may order that a dangerous animal or animals be removed from the Town. Should the owner fail and/or refuse to remove the animal from the Town as ordered, an animal control

officer may immediately confiscate and impound the animal, and may issue a citation for violation of this Ordinance.

Section 31. Vicious Dogs.

A. It shall be a violation of this Ordinance to keep, harbor or maintain a vicious dog that presents a continuing danger or threat to the safety of the citizens of the Town.

B. An animal control officer or law enforcement officer shall investigate any incidents involving any dog reported to be vicious.

C. If a dog which is unowned and has been reported to be vicious or bites a person, the dog shall be quarantined and destroyed pursuant to Section 3-7A-9(b), Code of Alabama 1975. For purposes of this Section, “bites” means the same as “has been exposed” as defined in Section 3-7A-1(4), Code of Alabama 1975. See also **Section 4. Definitions.**

D. If after investigation, the animal control officer finds that an owned dog is vicious, the officer shall present his findings to the Town Administrator. The Town Administrator shall notify the owner of the findings as to whether or not the dog is vicious. Upon making a determination that the dog is vicious, the Town Administrator may require the owner to immediately remove the animal from the Town limits. If the Town Administrator does not order the animal removed from the Town limits, the Town Administrator may require the owner, within thirty (30) calendar days to provide the Town Clerk with any or all of the following documents:

1. Copy of a current certificate of rabies vaccination;
2. Copy of a current color photograph of the dog depicting the size, color and any other distinguishing markings;
3. Certification that the dog has been and will continue to be confined to a proper enclosure when the animal is outdoors and unattended. “Proper Enclosure” shall have the meaning assigned in Section 4 of this Ordinance;
4. Certification that the dog has been neutered, spayed, or otherwise sterilized unless medically unnecessary, as determined by a licensed veterinarian;
5. Certification that the dog has been permanently identified by tattooing or injecting of an identification microchip using standard veterinary procedures and practices; and the certification shall include the name, address, and phone number of the veterinarian performing the identification procedure;
6. Proof of a policy of insurance, such as homeowners, or a surety bond in the amount of not less than \$100,000.00 covering the

damages, medical or veterinary costs, or both, resulting from any future dangerous actions or harm caused by the dog;

7. A notarized affidavit from the owner of the dog stating that the dog will be under the control of a person 19 years or older when the dog is not in a proper enclosure or inside a building and that the dog will not be allowed outside the property of its owner except in emergencies, or for normal or necessary medical or health related treatment.

E. All registrations, certifications and requirements of this Section shall be resubmitted to the Town annually for the life of the animal, or until the vicious dog determination is removed by the Municipal Court on review of a petition of same by the owner.

F. All vicious dogs must be confined in a proper enclosure at all times. If the owner fails to provide a proper enclosure for a vicious dog within 14 days of a notification from the Town Administrator requiring same, or if the owner fails to provide any of the certifications or documents listed above within 30 calendar days of notice of the Town Administrator's finding that the dog is vicious, the owner shall be in violation of this Ordinance, and the vicious dog may be impounded by an animal control officer pending a Municipal Court hearing on whether the dog should be destroyed.

G. No person shall permit a vicious dog to go outside its enclosure unless such dog is securely leashed with a leash no longer than three feet in length and under the control of a competent adult. (As an alternative, the animal may be confined in a locked crate or cage which is constructed of material of sufficient strength to prevent escape, posted with a sign saying "Beware Vicious Dog" and constructed so that a child cannot penetrate the crate or cage with his hand.)

H. When a vicious dog is in a vehicle or being transported in an open truck bed or other conveyance, it shall be confined in a locked crate or cage which is constructed of material of sufficient strength to prevent escape and posted with a sign saying "Beware Vicious Dog" and constructed so that a child cannot penetrate the crate or cage with his hand.

I. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its enclosure 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, a vicious dog 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.

J. Failure to comply with this Section shall be a violation of this Ordinance. Any vicious dog found to be in violation of this Section may be impounded by an animal control officer pending a Municipal Court hearing on whether the dog should be destroyed.

K. An animal control officer or law enforcement officer or the Town Administrator may at any time make whatever inquiry, investigation, or on-site inspection deemed necessary to ensure compliance with this Ordinance and any directive or Court order issued pursuant to this Ordinance.

L. Prior to a vicious dog being sold or given away, the owner shall advise the new prospective owner in writing that the animal has been declared to be vicious by the Town and shall provide the animal control center the name, address, and telephone number of the new owner. The new owner, if a resident of the Town, shall comply with all the requirements of this Ordinance, including submitting of all documents required under Section 31(D), and any applicable Court orders relating to the animal purchased.

M. Upon a determination by the Town Administrator that an owned dog is vicious and has caused physical injury to a human being or has a documented history of causing physical injury to a human being, and/or that the dog is vicious and presents a continuing danger or threat to the safety of the citizens of the Town, a law enforcement officer or animal control officer shall impound the animal pending a final hearing of the Municipal Court, as provided in Subsections M through W of this Section. The owner of the dog shall be liable for the costs and expenses incurred in impounding, feeding and providing veterinary care or treatment for the animal and Court costs.

N. If the Town Administrator determines that an owned dog is vicious, and has without provocation, caused serious physical injury or death to a domesticated animal, the Town Administrator may request a law enforcement officer or animal control officer to impound the dog, pending final determination of whether the dog presents a continuing danger or threat to the safety of the citizens of the Town. If impounded, the owner of the dog shall be liable for the costs and expenses incurred in the impounding, feeding and providing veterinary care or treatment for the animal. If the dog is not impounded, all other provisions of this Section shall still apply.

O. The animal control officer or any citizen may commence proceedings against the owner of a vicious dog by filing a sworn statement with the Town Clerk, setting forth that an owned dog has caused physical injury to a human being or has a documented history of causing physical injury to a human being, or that the dog has without provocation, caused serious physical injury or death to a domesticated animal. The complainant shall also provide the name of the dog's owner or custodian, and the location where the dog is being kept in the Town. The sworn statement may be completed by any person having contact with the animal. The sworn statement will be delivered to the Town Administrator, who will conduct a vicious animal investigation.

P. A dog that is the subject of a vicious dog investigation may not be relocated and ownership shall not be transferred pending the outcome of the investigation and hearing to determine whether the dog should be destroyed.

Q. Upon receiving a sworn statement reporting that an owned dog is vicious, the Town Administrator shall notify the owner that the dog is the subject of a vicious animal investigation. The notice shall be sent by U.S. mail to the owner's last known address, and shall inform the owner that they may, within five calendar days of the notice, present evidence as to why the dog is not vicious. The most recent record on file in the Madison County Tax Assessor's Office shall be considered the proper address for purposes of notice under this Section. The Town Administrator shall consider whether the dog caused physical injury or serious physical injury or death to a human being, whether the dog caused physical injury or serious physical injury or death to a domesticated

animal, whether the dog was provoked or abused in any way, whether the dog has a history of aggressive behavior, and all other such conditions relating to the time, location, nature of the attack, nature of the dog, and any such additional evidence as the Town Administrator may find relevant.

R. Within five calendar days of notification to the owner as in Subsection Q above, the Town Administrator, upon finding that there is probable cause to believe that an owned dog is vicious and presents a continuing danger or threat to the safety of the citizens of the Town, may order the dog to be evaluated by a vicious dog evaluation panel consisting of

- § a veterinarian;
 - § an animal control officer; and
 - § a representative of the Greater Huntsville Humane Society
- OR two reputable citizens.

The vicious dog evaluation panel shall make and sign a written finding as to whether they agree that destruction of the animal is necessary to prevent unnecessary suffering, to prevent the spread of disease, or because the animal is vicious and presents a continuing danger or threat to the safety of the citizens of the Town and submit same to the Town Administrator. Said evaluation by the panel and submission of their report to the Town Administrator shall take place within ten calendar days of the notice to the owner under Subsection Q, above.

S. If the Town Administrator, upon receipt and consideration of the report of the vicious dog evaluation panel, determines that the dog is vicious and presents a continuing danger or threat to the safety of the citizens of the Town, the Town Administrator may initiate criminal proceedings in Municipal Court by filing a sworn complaint, stating that the owner of the dog is in violation of Section 31(A) of this Ordinance.

T. A Municipal Court hearing on the complaint shall be held within thirty (30) calendar days of its filing, and both the owner and complainant shall be notified of the time and place of the hearing. At the hearing, the Town Administrator, the complainant, any witnesses, and the owner of the dog shall have the opportunity to appear and present evidence. The Municipal Court shall consider the findings of the Town Administrator, the findings of the vicious dog inspection panel, and shall also consider whether the animal caused physical injury or serious physical injury to a human being, whether the animal caused physical injury or serious physical injury to a domesticated animal, whether the animal was provoked or abused in any way, whether the animal has a history of aggressive behavior, and all other such conditions relating to the time, location, nature of the attack, nature of the animal, and any such additional evidence as the Court may find relevant.

U. If the court, upon consideration of all of the evidence, finds that the owner has kept, harbored or maintained a vicious dog that presents a continuing danger or threat to the safety of the citizens of the Town in violation of Section 31(A), then the dog shall be humanely euthanized by a certified euthanasia technician.

V. If the Town Administrator or the Municipal Court determines that a dog is vicious, but does not find that the dog presents a continuing danger or threat to the safety of the citizens of the Town, the Town Administrator shall issue a finding that the dog is a vicious dog, and may order that:

1. The animal be removed from the Town limits if the animal is deemed to present a danger to citizens or the public safety;

2. Conditions and restrictions relating to the possession and/or control of the animal in the Town, including any or all of the requirements set out in Section 31(D), above.

W. It shall be a violation of this Ordinance for any owner to fail to comply with an order of the Town Administrator or Municipal Court issued under this Ordinance.

Section 32. Attack By a Dog Declared Vicious.

A. If a dog that has previously been declared by the Town Administrator to be vicious shall cause serious physical injury to, or kill a human being or a domestic animal when unprovoked, the owner of the vicious dog shall be guilty of a violation of this Ordinance.

B. If a dog that has not been declared by the Town Administrator to be vicious attacks and causes serious physical injury or death to any human being or domestic animal, and the owner of the dog had prior knowledge of the dangerous propensities of the dog, yet demonstrated a reckless disregard of the propensities under the circumstances, the owner of the dog shall be guilty of a violation of this Ordinance.

C. In addition to any penalties imposed for violation of this Section, a person guilty of violating this Section shall pay all expenses, including, but not limited to, Court costs, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by impoundment of the animal, and other expenses required for the destruction of the animal.

Section 33. Summons and Complaint Procedure for Violations.

A. Any citizen wishing to make a complaint pursuant to any Section of this Ordinance may present himself or herself to the Town Magistrate to commence proceedings against the person in violation thereof. The complaining citizen must swear under oath that the violation occurred and, if the Magistrate has probable cause to believe that the offense as described constitutes a violation of this Ordinance, a summons and complaint may be issued to the accused. Any Town animal control officer or law enforcement officer of the Town of Gurley shall be authorized to serve a summons and complaint on any person charged with a violation of this Ordinance in the manner prescribed by law.

B. Any animal control officer or police officer of the Town of Gurley shall be authorized to enforce the provisions of this Ordinance, and any police officer of the Town of Gurley may make arrests for any violation(s) thereof.

C. Upon service of the summons and complaint issued, the accused individual shall not be taken into custody upon his written promise to appear in Municipal Court at the designated time and place as evidenced by his signature. The signing of the summons and complaint shall serve as adequate bond for the accused. If the accused refuses to provide his or her written recognizance to appear by signing the summons and complaint, the authorized officer may place him into custody and bring him before any officer or official authorized to approve a bond.

Section 34. Penalties for Violations.

A. It shall be the special duty of the owner or person in charge of all premises where animals are kept to see that no animal kept upon the premises is permitted or allowed to be in violation of this Ordinance. The fact that an animal has been kept on particular premises together with its subsequent appearance at large shall raise a *prima facie* presumption that the owner or person in charge of the premises committed or authorized the violation, and the burden of proof shall be upon the owner or person in charge to prove otherwise.

B. Any person violating any provision of this Ordinance shall be punished as provided by law, however, when any person is found guilty of violating any provision of this Ordinance for which a fine is provided and imposed, in addition to such other punishment as may be provided by the Court, the minimum fines shall apply in the chart set out below:

Offense	1st Offense	2nd Offense	3rd Offense
Failure to confine female dog or cat in heat	\$50.00	\$150.00	\$250.00
Allowing a cat or dog to run at large	\$50.00	\$150.00	\$300.00
Harboring a dangerous animal	\$100.00	\$250.00	\$500.00
Failure to attach current rabies tag to animal	\$50.00	\$100.00	\$250.00
Confining animal or animals in pen less than minimum area or improper distance from occupied dwelling	\$25.00	\$50.00	\$75.00
Cruelty to animals	\$200.00	\$300.00	\$500.00
Maintaining a nuisance animal	\$50.00	\$100.00	\$200.00
Allowing an animal other than a dog or cat to run at large	\$50.00	\$100.00	\$200.00
Failure to obtain rabies vaccination	\$50.00	\$10.00	\$200.00
Misuse of animal trap	\$50.00	\$100.00	\$200.00
Failure to comply with vicious dog requirements	\$100.00	\$250.00	\$500.00
Allowing a vicious dog to run at large	\$200.00	\$300.00	\$500.00

The fines listed in this Section are in addition to all applicable Court costs. Each calendar day that said violation continues shall constitute a separate offense for purposes of this Ordinance.

C. Any person who violates any of the provisions of this Ordinance not listed in the table above or who fails to comply with any of the requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than

Five Hundred Dollars (\$500.00), and may, in addition, be sentenced to not more than six (6) months in jail, or both.

Section 35. Severability.

If any Section, Subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Gurley declares that it would have passed this law, and each Section, Subsection, clause or phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses and phrases be declared unconstitutional, void or invalid.

Section 36. Other Laws.

If conduct constituting a violation of this Ordinance also constitutes an offense under another law, the person may be prosecuted under all applicable laws.

Section 37. Conflicts.

This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama or the United States regarding the subject matter hereof and to be subordinate to same and in no manner intended to supersede any such statutes of the State of Alabama or United States. Any provision hereof in conflict with any provision of any State or Federal statute shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such State or Federal statute.

Section 38. Effective Date.

This Ordinance shall be effective upon its adoption and publication as required by law.

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READ, APPROVED, and ADOPTED this 5th day of July 2022.

Stan Simpson, Mayor and Presiding Officer of the
Town Council of the Town of Gurley, Alabama

ATTEST:

Ginger Patterson, Town Clerk
Town of Gurley, Alabama

REVISIONS FOR ORDINANCE 2016-002

2016-002 R1

Section 7. Second Sentence: changed to no more than five chickens (hens only).

End Sentence: Should a formal complaint be filed with the clerk as to noise or any other nuisance the homeowner must work with the town to mitigate the complaint. Should the homeowner fail, or otherwise refuse to provide an acceptable remedy, then the process for nuisance abatement shall apply.