

Sample Ordinance
_____ County
Animal Control Ordinance

Be it ordained by the _____ County Commission as follows:

The _____ County Commission finds that it is in the best interests of the citizens of the county to adopt and implement rules and regulations regarding animal control in order to protect its citizens from nuisances related to animals running at large, animals creating excessive noise to the disturbance of citizens, or animals becoming a nuisance to public health within the unincorporated areas of the county. In order to address these concerns and pursuant to authority granted to the _____ County Commission under *Ala. Code § 11-3A-1 et seq.*, the _____ County Commission adopted and promulgated the following Ordinance on animal control at the (date) regular meeting of the _____ County Commission, which adoption is evidenced by Resolution No. _____, attached hereto as Addendum A.

Section 1 – Jurisdiction

This Ordinance shall only apply within the unincorporated areas of the county, and shall in no way be in effect or in force within the municipal limits of any municipality within the county. Additionally, this Ordinance shall in no way affect any protections granted to any persons or businesses pursuant to *Ala. Code § 6-5-127* or *Ala. Code § 11-3A-1 et seq.*

Section 2 – Definitions

For the purposes of this Ordinance, the following terms shall have the following meaning:

Animal control officer – The person or persons identified in Section 3 as charged with the administration and enforcement of this Ordinance.

County animal shelter – The animal shelter designated by the county commission to receive animals impounded in the unincorporated areas of the county pursuant to this Ordinance, regardless of whether the shelter is a county facility or a facility providing animal shelter services with which the county has entered into a contract.

Nuisance – A nuisance as defined in *Code of Alabama 1975, § 6-5-120 and § 6-5-121.*

Owner – The owner, keeper, or lessee responsible for the care and well being of an animal.

Section 3 – Animal Control Officer

The county commission shall appoint one or more persons as animal control officer charged with the administration and enforcement of the provisions of this Ordinance. The animal control officer may be an employee of the county or may be someone performing these duties under contract with the county commission. Additionally, the county commission and the sheriff may enter into an agreement whereby the sheriff and/or his or her deputies shall assist in the enforcement of this Ordinance, and in this instance, the sheriff or any deputy sheriff assigned to perform these functions shall have all authority of an animal control officer when performing these functions.

Section 4 – Investigation and Enforcement

The animal control officer should patrol the unincorporated areas of the county on a regular basis in an effort to monitor for compliance with this Ordinance by the citizens of the county. Additionally, any citizen with a complaint alleging a violation of one or more of the provisions of this Ordinance may contact the office of the animal control officer and request that the matter be investigated. The animal control officer shall only investigate upon a citizen complaint where sufficient information is provided and where the citizen provides the animal control officer with his or her name, address, and telephone number and agrees to sign a formal written complaint, if requested to do so.

For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, the animal control officer is empowered to enter upon any premises upon which an animal is kept or harbored, but only as necessary to investigate any alleged violation of this Ordinance or to issue citations for any violation thereof; provided, however, that no such officer shall interfere with any farming operation in violation of *Ala. Code § 6-5-127* or *Ala. Code § 11-3A-1 et seq.*

The animal control officer may issue citations to the owner of any animal for any violation of Sections 6, 7, 8, or 9 of this Ordinance. All citations shall be in writing in a form approved by the county commission, shall state with specificity the violation for which the citation is issued, shall detail the process and procedures for payment of any assessed penalties and fees, and shall include a copy of the owner's rights to file a grievance as set out in Section 12.

Section 5 – Records

It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of:

- (a) The impoundment and disposition of all animals coming into such officer's custody;
- (b) All incidents and investigations conducted under this Ordinance;
- (c) All monies collected and expended in the administration and enforcement of the animal control program.

All such records shall be open to public inspection at reasonable times, shall be available to such persons responsible for similar records of the county, and shall be audited in the same manner as other county records are audited.

Section 6 – Allowing Animals to Run at Large

It shall be unlawful and a violation of this Ordinance for the owner, keeper, or lessee of any animal to permit the same to run at large within the unincorporated areas of the county.

Failure to comply with this section may result in the issuance of civil penalties and fees as provided in Section 11 and/or civil or equitable court action as authorized in *Ala. Code § 11-3A-3(e)*.

Section 7 – Animals to be kept under restraint at all times

In order to prevent a nuisance as set out in Section 8, the owner, keeper, or lessee of an animal shall at all times keep the animal humanely under restraint in one of the following manners:

- (a) Controlled by leash by a competent person,
- (b) Within or upon a vehicle controlled by a competent person, or
- (c) Securely enclosed in a fenced area controlled by the owner or person in charge of the animal which shall be large enough to allow free movement and access to shade, shelter and water.

Failure to comply with this section shall be unlawful and a violation of this Ordinance and may subject the violator to civil penalties and fees as provided in Section 11 and/or equitable court action as authorized in Ala. Code § 11-3A-3(e).

Section 8 – Excessive Barking or other Noise by Animal

It shall be unlawful and a violation of this Ordinance for any owner, keeper, or lessee of an animal to allow the animal to make excessive noise, such as loud and frequent habitual barking, yelping or howling, or to become a constant annoyance to neighbors, or people passing upon the street. Such behavior shall constitute a nuisance as set out in Section 9 of this Ordinance.

Failure to comply with this section may result in the issuance of civil penalties and fees as provided in Section 11 and/or civil or equitable court action as authorized in Ala. Code § 11-3A-3(e).

Section 9 – Keeping Animals so as to Constitute Nuisance

It shall be unlawful for any person to keep any animal within the unincorporated areas of the county in any manner as will be or may become a nuisance in any of the following ways:

- (a) As a menace to public health, such as by attracting insects or vermin,
- (b) By causing obnoxious odors or noises,
- (c) By trespassing on and/or causing damage to property of another, or
- (d) By violating any of the provisions in Sections 5, 6, or 7 of this Ordinance.

Failure to comply with this section may result in the issuance of civil penalties and fees as provided in Section 11 and/or civil or equitable court action as authorized in Ala. Code § 11-3A-3(e).

Section 10 – Impoundment

(a) Animals found running at large may be taken into custody by the animal control officer or deputy sheriff and impounded in the county animal shelter, and there confined in a humane manner for a period of not less than fourteen (14) days.

(b) Within twenty four (24) hours of impoundment, the animal control officer shall post notice on a bulletin board at the courthouse and at the county animal shelter, which notice shall include the date of impoundment, a description or photograph of the animal impounded, a general description of the area where the animal was found running at large, and detailed information regarding how the owner may regain custody of the impounded animal.

(c) Animals not claimed by their owners following the expiration of fourteen (14) days shall be either placed for adoption at the county animal shelter or humanely destroyed at the direction of the animal control officer by personnel at the county animal shelter or by a veterinarian under a contract with the county commission for such purpose.

(d) If the owner of an animal impounded shall appear at the county animal shelter within fourteen (14) days, he or she shall be issued a citation for applicable violations of this Ordinance with instructions to pay all penalties and fees assessed for the violations at the office of the animal control officer within fourteen (14) days of the date of issuance of the citation. The animal shall be returned to the owner's custody upon proof of payment of all penalties and fees assessed; provided, however, that except where the owner has appealed the issuance of the citation as provided in Section 12, if the citation is not paid within fourteen (14) days of the date of issuance of the citation, the animal may be placed for adoption at the county animal shelter or humanely destroyed at the direction

of the animal control officer by personnel at the county animal shelter or by a veterinarian under contract with the county commission for such purpose. Additionally, the county may bring action against the owner in the Circuit Court to recover the unpaid penalties and fees.

(e) As an alternative to impoundment, when the owner of the animal is known, the animal control officer may, in his or her discretion, return the animal to the owner's custody and issue a citation for applicable violations of this Ordinance, with instructions to pay all penalties and fees assessed at the office of the animal control officer within fourteen (14) days of the date of issuance of the citation. Except where the owner has appealed the issuance of the citation as provided in Section 12, if payment is not made within fourteen (14) days, the animal control officer shall then take custody of the animal and impound the animal until all penalties and fees are paid. If the citation issued is not paid within fourteen (14) days of the date that the animal is impounded, the animal may be placed for adoption at the county animal shelter or humanely destroyed at the direction of the animal control officer by personnel at the county animal shelter or by a veterinarian under contract with the county commission for such purpose. Additionally, the county may bring action against the owner in the Circuit Court to recover the unpaid penalties and fees.

Section 11 – Penalties for Violation of this Ordinance

(a) A civil penalty in the amount of fifty (\$50) dollars per day shall be assessed against the owner of an animal for each and every violation of this Ordinance. Each day in which a violation continues shall constitute a separate offense, and a separate penalty shall be assessed for each separate violation; provided, however that no person shall pay a penalty in excess of \$5,000 for any one violation.

(b) In addition to the civil penalty assessed under paragraph (a), the owner of an animal which has been impounded shall also pay a boarding fee for the impounding of the animal in the amount of \$25 per day for each and every day in which the animal was impounded.

(c) All penalties and fees assessed pursuant to this Ordinance shall be paid to the office of the animal control officer within fourteen (14) days of issuance, unless appealed as provided in Section 12. The animal control officer shall provide a written receipt to the owner upon payment.

Section 12 – Appeal to the County Commission

Any person who contests any action taken by the animal control officer or deputy sheriff may file a grievance with the _____ County Commission, provided that the appeal is filed within fourteen (14) days of the issuance of a citation or impoundment. Notice of the grievance shall be in writing addressed to the chairman of the county commission with a copy delivered to the county administrator. A copy shall also be delivered to the office of the animal control officer.

If the grievance is timely filed, the item will be placed on the agenda of the next regular meeting of the county commission, at which time the grievant shall be given an opportunity to be heard. The animal control officer shall be responsible for providing the owner with written notice of the meeting date, time, and place immediately upon receipt of notice of the grievance, and shall provide the county administrator with a copy of the written notice.

The owner may request a continuance prior to the county commission meeting, which shall be granted upon good cause. However, absent a granted continuance, failure to appear at the scheduled meeting with or without notice shall result in dismissal of the grievance.

The animal control officer responsible for issuing the citation or for impoundment of the animal shall also be present at the county commission meeting where the grievance is scheduled to be heard.

Upon hearing, the county commission shall take whatever action it deems appropriate, including, but not limiting to, dismissing the citation, waiving any penalties or fees, or leaving the actions of the animal control officer intact.

In the event that the grievance is timely filed, any matter still pending with the animal control officer shall be stayed pending action by the county commission. There shall be no further assessment of any penalty or fee during the stay and no payment shall be required pending the outcome. Any animal impounded shall be returned to the custody of the owner, keeper, or lessee pending the outcome of the appeal; provided, however, that in the event that the county commission affirms the actions of the animal control officer or deputy sheriff, the animal may be taken back into custody pending payment of any outstanding penalties or fees.

Section 13 – Available Court Remedies

(a) In addition to all other remedies available pursuant to this Ordinance, in the event that an owner who has been assessed penalties and fees for the violation of any provision of this Ordinance fails to pay all penalties and fees due within fourteen (14) days of issuance, the animal control officer may, on behalf of the county, bring action against the owner for the unpaid penalties and fees in the Circuit Court of the county; provided, however, that in the event that the owner has filed a grievance with the County Commission pursuant to the provisions of Section 12, no court action shall be filed until such time as the County Commission has taken final action on the grievance filed.

(b) In the event that the animal control officer deems it necessary to take action other than the assessment of civil penalties and fees in order protect the citizens against a continuing nuisance created by activities or behavior of an animal in violation of Section 6, 7, 8, or 9, he or she may file an action in the Circuit Court on behalf of the county seeking appropriate equitable relief to abate the nuisance as authorized by *Ala. Code § 11-3A-3(e)*. Such action shall include, but not be limited to, the following:

- (1) An action for a temporary and/or permanent injunction prohibiting the owner from allowing the animal to run at large in the unincorporated areas of the county;
- (2) An action for a temporary and/or permanent injunction prohibiting the owner from allowing the animal to bark or make other noises excessively;
- (3) An action against the owner seeking to compel him or her to keep the animal restrained as required in Section 7;
- (4) An action against the owner seeking to compel him or her to comply with other provisions of this Ordinance and to hold him or her in contempt for the failure to comply with a prior order issued in this regard.