

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 5, 2009**

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:15 p.m. on the 5<sup>th</sup> day of October 2009 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, NEAL WILLIS  
          JAMES HOLLAND, DAVID H. BRADFORD  
ABSENT: ALLEN NOLES

Richard Williams, City Clerk, was present and kept the minutes of the meeting.

David Bradford, Mayor of the City, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

At this time, Mayor Bradford read aloud a proclamation declaring October 4<sup>th</sup> - 10<sup>th</sup>, 2009 as "Mental Illness Awareness Week" in the City

Upon motion duly made by Council Member Holland, seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 21, 2009 and approved the minutes as written.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a lounge retail liquor license - Class 1 to Cartee Inc. dba PJ's, located at 701 Davison Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had

been given and the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance to amend the animal control ordinance.

Council Member Willis introduced the following ordinance which was presented in the meeting and moved for its adoption:

## **ORDINANCE NUMBER 1418 - 09**

### **AN ORDINANCE AMENDING ORDINANCE NUMBER 1154-95 AND ORDINANCE NUMBER 1169-96 AND ORDINANCE 1327-04 OF THE CITY OF MUSCLE SHOALS, ALABAMA RELATING TO ANIMAL CONTROL AND THE ESTABLISHMENT OF LEASH PROVISIONS AND THE CIRCUMSTANCES THEREFOR AND A PENALTY FOR VIOLATION THEREOF.**

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**BE IT ORDAINED** by the City Council of the City of Muscle Shoals, Alabama as follows:

I. Article I of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted on May 1, 1995 and Article I of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama which was adopted on July 1, 1996 and Article I of Ordinance of Number 1227-04 of the City of Muscle Shoals, Alabama which was adopted on May 3, 2004 is hereby amended so that Article I shall read in its entirety as follows:

#### **ARTICLE I. IN GENERAL.**

The following words, terms and phrases, when used herein, shall have the meaning ascribed to them by the definitions set forth herein, except where the context clearly indicates a different meaning.

##### **Section 1. Definitions.**

As used in this chapter, the definitions of the following terms are:

Animal : living creature, domestic or wild.

Animal control officer: The head or any other person designated by the city as a law enforcement officer relating to matters involving animals, or the city license inspector or anyone employed under supervision of the city license inspector's office.

Animal control center : The Colbert County Animal Control Incorporated.

Animal shelter: Any premises designated by the city for the purpose of impounding and caring for animals held under authority of this chapter.

At large: Any animal when it is off the property of its owner or person in charge and not carried by said person, kept in an effective enclosure or controlled by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging and attacking persons or animals is deemed to be at large. Provided, however, that a dog which is not vicious or presumed to be vicious, and which is obedient either by training or temperament, shall not be considered "at large" while upon a public street or other public place and in the immediate presence and under voice control of its owner or a competent handler. A dog which is more than fifty (50) feet from the actual location of its handler shall not be considered in the immediate presence of and under voice control of said handler.

Bark, Barks, or Barking: Shall mean the barking, yelping, howling, growling or otherwise making noise.

Bitten: Seized with teeth or jaws, such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a licensed physician.

Caged: Confined in a container, which may include a vehicle, in such a way that the free movement of an animal is restrained and so as to prevent the animal so caged from biting or attacking a person or animal.

Canine training center: Any place that trains dogs for guard work for the general public.

Cat: Any member of the domestic feline family.

Continued: In regard to barking, shall mean barking which occurs during the majority of any ten-minute period.

Corral: Any uncovered, enclosed parcel of land where animals are kept.

Dog: Any member of the domestic canine family.

Dog presumed to be vicious: Any dog which is known by the owner or person in charge habitually to chase moving vehicles or to charge persons on the public streets and other public ways, whether or not such dog has actually bitten or attacked a person or other animal.

Fowl: Any fowl of the duck, goose, chicken, guinea, peacock or pigeon or species or type.

Hobby breeder: Anyone who sells, offers for sale, or lets for hire for breeding purposes two (2) or more dogs and/or cats, the owner or proprietor of which does not possess a license to conduct wholesale or retail business for the purpose of selling animals.

Horse: Any member of the equine family.

Keep: To confine, harbor, and allow to remain.

Kennel: Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.

Obedience school: Any place which trains dogs on obedience for home and show use where owner and dog attend together.

Owner: Any person, partnership or corporation owning, keeping or harboring animals.

Person: An individual, partnership, company or corporation.

Restraint: An animal shall be deemed to be under restraint if on the premises of its owner, confined by a fence or securely restrained within the premises by a leash affixed to a securely fixed object, or is on a leash or if its action does not cause conditions resulting in a nuisance.  
Stray animal: Any animal running at large, the owner or person in charge of which is unknown.  
Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals or the boarding of animals.  
Vicious or dangerous animal: As used herein, vicious or dangerous animal shall mean and include:

- (1) Any dog with a propensity, tendency or disposition to attack, cause injury, or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual of repeated chasing or snapping , or
- (2) Any dog which attacks a human being or another domestic animal without provocation; or
- (3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
- (4) Any dog which is known to have bitten or attacked a person or other animal without adequate provocation or cause.

#### Section 2. Animal Control officer.

(a) There is hereby designated within the city the position of director of animal control which shall be the Director of Colbert County Animal Control or animal control officer which shall be an employee of Colbert County Animal Control.

(b) It shall be unlawful for any person knowingly and willfully to oppose or resist the director or animal control officer or any of his assistants in executing or attempting to execute any lawful process or in attempting to make or in making any lawful arrest or in the discharge of any regular duty, or in any way to interfere with, hinder or prevent any such officer from discharging his duty.

#### Section 3. Public nuisance.

No owner shall fail to exercise the proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous, and untimely barking, molesting passers-by, chasing vehicles, habitually attacking other animals, trespassing upon school grounds, turning over garbage cans or otherwise scattering garbage, or trespassing on private property in such a manner as to damage property or cause unsanitary conditions shall be deemed a nuisance and unlawful.

#### Section 4. Cruelty to animals.

No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care and when needed to prevent suffering, and humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans; no owner of an animal shall abandon such animals nor stake an animal in a cruel and unorthodox manner. No person shall crop a dog's ears or tails. No person except a qualified veterinarian may spay a

female dog or cat. It shall be unlawful and declared a public nuisance for any owner or person to harbor a dog or dogs under such unsanitary conditions that the maintenance or keeping of same creates vile smells to the annoyance of the public in the vicinity. Failure to comply with this section shall result in revoking permits and levying fines on the owner.

#### Section 5. Sales.

No person or business may sell baby rabbits as pets or novelties or sell chickens or ducklings younger than eight (8) weeks of age in quantities of less than twenty-five (25) to a single purchaser.

#### Section 6. Transporting and abandoning animals.

It shall be unlawful for any person to transport any domestic animal into the city or police jurisdiction thereof to subsequently abandon or set loose said animal with the intent of avoiding the responsibility for its custody and care. It shall likewise be unlawful for any person to transport any domestic animal outside the city into the police jurisdiction thereof and subsequently abandon or set loose said animal with the intent of avoiding the responsibility for its custody and care. Violation of this section will result in a cruelty to animals fine.

#### Section 7. Dogs and cats - Restraint.

- (a) Dogs. All dogs shall be kept under restraint or prevented from being at large.
- (b) Cats. It shall be unlawful for the owner or any person having custody or control of any cat within the corporate limits or the police jurisdiction of the city to allow said cat to run at large if said cat habitually causes destruction or damage to the property of another or creates a nuisance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made by the aggrieved party before a judge or magistrate of the municipal court and a warrant issued by said judge or magistrate.

#### Section 8. Same - Confinement of females when in heat or season.

Every female dog or cat in heat or season shall be confined by the owner or harbinger of such animal in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

#### Section 9. Keeping fowl.

It shall be unlawful for any person to keep any in such a manner that shall cause a public nuisance or shall allow such fowl to be at large.

#### Section 10. Guard dogs.

Any dog trained for guard dog protection must be registered with the city or Colbert County Animal Control Association as such. A "guard dog on duty" sign must be posted where the sign can easily be seen. There shall be no guard dog training center located inside the city limits.

#### Section 11. Guide dogs.

No owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel,

restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion picture house, public educational institution or elevator shall refuse to permit a guide dog to accompany a blind or handicapped person entering such place or making use of the accommodation available when such blind or handicapped person is being led by the guide dog; provided that such guide dog is wearing a harness; and provided further that such blind or handicapped person shall present for inspection credentials issued by an accredited school for training guide dogs.

Section 12. Use of humane traps by animal control officer.

The animal control officer is authorized, in order to apprehend animals in violation of this chapter which are otherwise difficult to apprehend, to use traps designed to capture humanely said animals by placing same upon public property of the city, upon the right-of-way of any public street or highway, or upon the private property of any person granting permission therefor. The animal control officer shall check such traps and remove captured animals therefrom to the animal control center where they shall be disposed of as otherwise provided herein.

Section 13. Barking. Howling Dogs.

It shall be unlawful for the owner of any dog or dogs kept within the city to permit the loud and frequent, or continued, barking, howling or yelping of such dog or dogs. which annoys or disturbs the neighbors and/or the public.

Section 14. Running at large prohibited.

It shall be unlawful for the owner of any vicious or dangerous dog to allow such dog to be at large or unrestrained within the city.

Section 15. Confinement of Vicious or Dangerous Dogs.

All dogs determined to be a vicious or dangerous dog, under this ordinance or any other law, regulation, rule, or court ruling of this city or state, shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, as below provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious or dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious or dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be adequately ventilated and kept in a clean and sanitary condition in compliance with the laws and ordinances of the city and all laws, statutes, rules, and regulations of the State of Alabama.

Section 16. Conditions permitting dangerous dogs to be taken off premises.

It shall be unlawful for the owner of any vicious or dangerous dog to allow such dog to be at large or off the owner's property unless such dog is securely muzzled so as to effectively prevent such dog from biting another animal or person and unless such dog is secured on a leash or chain of not more than five (5) feet in length that is held or controlled by a person of not less than sixteen (16) years of age.

Section 17. Owing/training dogs for fighting or attacking.

No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to engage in unprovoked attacks upon human beings or domestic animals.

Section 18. Keeping in multi-family dwelling.

No vicious dogs or animals may be kept within any portion of any multi-family dwelling.

Section 19. Signs

All owners, keepers or harborers of any vicious dog, as determined by laws and ordinances of the city, or by a court of competent jurisdiction, shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Dangerous Animal".

Section 20. Destruction.

Any vicious or dangerous dog which attacks a human being or domestic animal may be ordered destroyed when in the judgment of a court of competent jurisdiction the dog represents a continuing threat of serious harm to human beings or domestic animals.

Section 21. Running at large or improper muzzling without owner's knowledge deemed no defense.

It shall be no defense in any prosecution for a violation of any section hereunder that such dog was at large or improperly muzzled without the knowledge, consent or permission of the owner or person charged with such violation.

Section 22. Violators liable for expenses.

Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

Section 23. Application to police dogs.

The provisions of this section shall not have applicability to dogs while engaged in police service training at a recognized and duly licensed facility and under supervision of professional instructors.

Section 24. Tethering near property line.

It shall be unlawful for the owner of any dog to tie, chain or tether such dog.

Section 25. Enclosures-Sanitary requirements; enforcement.

For the protection of the public health, it shall be the duty of every person who keeps any dog in an enclosure within the city at all times to maintain the premises or area where such dog is confined in a sanitary condition, to prevent the hatching of any fly or insect larvae, to prevent offensive or noxious odors emanating therefrom and to comply with all reasonable requirements and directions given by the animal control officer or health officer pertaining to public health,

sanitation, fly or insect larvae control and to the prevention of offensive odors.

Any person having care, custody or control of any such premises where any dog is kept confined or in an enclosure who is given a written notice by the animal control officer or health officer indicating any conditions which exist in violation of the provisions of his section and who fails to remedy such conditions within five (5) days from the receipt of such notice shall be guilty of an offense.

It shall be unlawful for any person who fails within five (5) days after the receipt of such notice from the animal control officer or the health officer to correct the conditions pointed out therein to further keep or maintain such dog or dogs within the city.

#### Section 26. Notice of Violation.

When any Animal Control Officer or Police Officer of the City, has knowledge of a possible violation of this ordinance, the Animal Control Officer or Police Officer shall forthwith cause the matter to be investigated. If after investigation there are reasonable ground to believe there has been a violation of this ordinance, the Animal Control Officer or Police Officer shall forthwith deliver written notice to the owner or keeper of the animal that is the subject of the violation requiring such person to safely remove said animal from the City within five (5) days of the date of said notice or to confine the animal in compliance with the provisions of this ordinance pertaining to vicious or dangerous animals. Such owner or keeper shall either remove said animal from the City or comply with the confinement requirements of this ordinance for vicious or dangerous animals within the required time. Such a notice shall not be required when a vicious or dangerous animal has caused serious physical harm or death to any person or has escaped and is at large, in which case the Animal Control Officer shall cause said animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person or animal.

#### Section 27. Seizure and Impoundment of Vicious or Dangerous Animals.

The Animal Control Officer, with the approval of the police officer on duty in charge of the department, shall forthwith cause to be seized and impounded any vicious or dangerous animal when the owner or keeper of such animal has failed to comply with the notice sent pursuant to Section 26.

Upon seizure and impoundment, the Animal Control Officer shall cause a complaint to be filed in the municipal court of the City against the owner or keeper of the subject animal and said animal shall be delivered to a place of confinement approved by the Animal Control and kept until further order of the municipal court.

#### Section 28. Penalties for violation of chapter.

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00). If any violation be continuing, each day's violation shall be deemed a separate violation. If any person be found guilty by a court of violating the section prohibiting cruelty to animals, his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued for a period of one year and upon a second conviction, no permit shall issue to such person during any time.



II. Article II of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article II of Ordinance Number 11-69-96 and Article II of Ordinance of Number 1227-04 of the City of Muscle Shoals, Alabama which was adopted on May 3, 2004 of the City of Muscle Shoals, Alabama, which was adopted on July 1, 1996 is hereby amended so that Article II shall read in its entirety as follows:

## **ARTICLE II. PERMITS, LICENSES, AND FEES**

### **Section 1. Permits.**

(a) No person shall, without first obtaining a permit therefor in writing from the city license inspector or his designated agent, own, keep, harbor, or have custody of any dogs or cats over three (3) months of age, except that this section shall not apply to the keeping of small cage-birds or aquatic and amphibian animals solely as pets.

(b) Such certificate of rabies inoculation, as required by law, by a licensed veterinarian for each dog and cat in the owner's custody shall serve as the permit for the dog or cat in lieu of any other permit or license. The rabies vaccination certificate shall be good for a period of one year.

(c) No permit shall be issued in the name of any person under eighteen (18) years of age unless a parent or guardian accepts responsibility for care of the animal.

### **Section 2. Impoundment fees.**

(a) All impoundment fees will be retained by the Colbert County Animal Control Association.

(b) All fees concerning females at large will be retained by the Colbert County Animal Control Association.

(c) A permit, if not revoked, shall be valid for and during the period of time and as long as the current certificate of inoculation is valid. Such certificate of rabies inoculation shall be the permit required by the City. Such certificate of inoculation, though valid pursuant to law for the proof of inoculation may be revoked for the purpose of being the permit required by the City and if so, shall no longer be accepted as the permit required hereunder by the City.

### **Section 3. Revocation of permit for lack of compliance; right to inspect.**

The city license inspector or his designee shall revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the city license inspector, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all animals being owned, kept or harbored by such person and no part of the permit fee shall be refunded. It shall be the condition of the issuance of any permit to any owner of animals kept for commercial purposes that humane officers and the city license inspector shall be permitted to inspect all animals and the premises where animals are kept at any time and the city license inspector shall, if permission for such inspections is refused, revoke the permit of the refusing owner.

### **Section 4. Applicability of provisions to nonresidents.**

The sections of this chapter requiring a permit shall not apply to nonresidents of the city who are keeping only domestic pets, provided that animals of such owners shall not be kept in the city longer than thirty (30) days and that the animals are kept under restraint.

III. Article III of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article III of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama, which was adopted on July 1, 1996 Article II I of Ordinance of Number 1227-04 of the City of Muscle Shoals, Alabama which was adopted on May 3, 2004 of the City of Muscle Shoals, Alabama is hereby amended so that Article III shall read in its entirety as follows:

### **ARTICLE III. RABIES CONTROL**

#### **Section 1. Impoundment**

(a) Unrestrained dogs may be taken by police, the animal control officers and be impounded in an animal shelter, and there confined in a humane manner. Impounded dogs shall be kept for five (5) days unless reclaimed by their owners. The maximum time animals will be kept is seven (7) days. If by a permit tag or by other means the owner can be identified, the animal control officer shall immediately notify the owner of the animal by telephone or certified mail. Dogs not claimed by their owners within seven (7) days from impoundment date shall be sold or humanely disposed of by the agency delegated by the city to exercise that authority. If the animal is sold, the animal shelter is entitled to the proceeds of the sale. Dogs creating a nuisance under the provisions of this ordinance will be likewise impounded, whether under restraint or not.

(b) After a dog or cat has been confined for the period of time provided by this chapter and if the owner or person in charge entitled to possession fails to make application for the release of such dog or cat, as herein provided, or fails to pay the charges as herein provided, or fails to pay for the proper inoculation for rabies, or if such satisfactory evidence as required by this chapter was not provided, then such dog or cat is hereby declared a nuisance and a danger to the health, safety and welfare of the city and the humane officer shall cause such dog or cat to be humanely destroyed as herein provided; however, any dog or cat under two (2) weeks old or whose eyes have not opened since birth may be humanely disposed of immediately upon being impounded where it has been found in violation of this chapter.

(c) Any confined dog or cat that is injured or diseased will, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian or the animal control officer found that such destruction is necessary to prevent unnecessary suffering, to prevent the spread of disease, or because the animal is incurable. A written statement to this effect shall be signed by those inspecting the animal and such statement shall be retained by the director for a period of one year. The animal control officer, when required to dispose of dogs or cats under the provisions of this chapter shall do so by such process as is recognized by veterinary science as being a humane manner in which to destroy dogs and cats.

#### **Section 2. Redemption of impounded dogs or cats.**

(a) The owner or person in charge entitled to possession of any dog or cat confined under the provisions of this chapter may recover possession of such dog or cat upon payment of charges set forth in this chapter. The owner must also produce a certificate of evidence satisfactory to the proper authority that such dog or cat has, within twelve (12) months prior to being confined, been inoculated for rabies by a licensed veterinarian and also evidence that all required license fees have been paid for the current year. If the owner or person in charge entitled to possession of any dog or cat so confined is unable to produce a certificate of satisfactory evidence of inoculation for rabies by a licensed veterinarian and of proper licensing

of said dog or cat within the twelve-month period prior to confinement of the dog or cat, then before the humane officer shall release the dog or cat, such dog or cat shall be duly inoculated for rabies by a licensed veterinarian at the expense of the owner or person in charge entitled to possession of said dog or cat and shall also upon payment of the proper fee therefor be properly licensed before said release.

(b) It shall be unlawful for any employee of the animal control center to redeem any dog or cat or become directly or indirectly interested in the redemption of any dog or cat not owned by such employee of the animal control center prior to being impounded by the director or animal control officer.

### Section 3. Fees for redemption of impounded animals.

An owner reclaiming an impounded animal shall pay the appropriate fine plus a fee of Ten dollars (\$10.00) plus Five dollars (\$5.00) per day for each day that the animal has been impounded to a maximum fee of Forty dollars (\$40.00). The owner may also be charged for violation of this chapter and the owner's permit may be revoked.

### Section 4. Animal bites; quarantine of animal.

Any animal which bites a person shall be quarantined for ten (10) days in a veterinary hospital for observation at the expense of the owner. The animal shall be securely confined and kept from contact with any other animals during the quarantine period. Sentry or guard dogs used in law enforcement work shall be exempt from the quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies is provided, but shall be examined by a licensed veterinarian at the end of ten (10) days after such bite.

### Section 5. Quarantine of suspected rabid animals.

No animal control officer shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the opinion of rabies is given by a licensed veterinarian. If a veterinarian renders an opinion of rabies in an animal in quarantine, the animal shall be humanely killed and the head of such animal sent immediately to a laboratory for pathological examination and confirmation of the opinion.

### Section 6. Unlawful to keep wild, dangerous or exotic animal without permit

\_\_\_\_\_ It shall be unlawful for any person to keep any wild, dangerous or exotic animal or fowl within the city without a written permit issued by the city license inspector which shall specify the conditions under which the animal must be kept. No permit shall be given to any wolf or wolf hybrid animal.

### Section 7. Keeping of swine

\_\_\_\_\_ It shall be unlawful for any person to keep within the city any hog or other animal of the swine family, with the exception of a Vietnamese pot-bellied pig if kept as a household pet.

### Section 8. Keeping of cattle and horses

\_\_\_\_\_ It shall be unlawful to keep cattle within the corporate limits of the city except on established farms where said cattle have been maintained and kept prior to the passage of this ordinance. Horses shall be kept more than 100 feet from any residence, business, house, church or school other than the residence of the owner of the horses.

#### Section 9. Proper enclosures required

(a) It shall be unlawful and shall constitute a public nuisance for any person having charged, custody or control of any animal in any enclosure in the city, unless such enclosure is so constructed and maintained that any animal kept therein is securely confined and prevented from escaping therefrom. The running at large of any animal or fowl shall be prima facie evidence that the enclosure wherein the animal was kept is not constructed and maintained according to the requirements of this section and that the keeping of the animal in such enclosures is unlawful. A proper enclosure shall include a chemical, electric or fence so designed to keep an animal securely enclosed and on and within the property of the owner of the animal.

\_\_\_\_\_ (b) For the protection of the public health, it shall be the duty of every person who keeps any animal in an enclosure within the city at all times to maintain the premises or area where such animal is confined in a sanitary condition; to prevent the hatching of any fly or insect larvae; to prevent offensive odors emanation therefrom; to permit the animal control officer or health officer to go on the premises at any reasonable time to inspect the premises; and to comply with all reasonable requirements and directions given by the animal control officer or health officer, pertaining to public health, sanitation, fly or insect larvae control and to the prevention of offensive odors.

\_\_\_\_\_ (c) Any person, having care, custody or control of any premises where any animal is kept confined or in an enclosure, who is given a written notice or health officer pointing out any conditions which exist in violation of the provisions of this section and who fails to remedy such conditions within five days from the receipt of the notice shall be guilty of a misdemeanor.

(d) Any person who fails within five days after the receipt of the notice from the animal control officer or the health officer to correct the conditions pointed out therein shall be guilty of a misdemeanor and shall be not be allowed to further keep or maintain the domestic animal within the city.

(e) Any person keeping an animal within the city in such a manner that is unsanitary or in such a manner that allows the hatching of any fly or insect larvae or causes offensive or vile odors to emanate therefrom as a result of the keeping of said animal shall be guilty of a misdemeanor. The animal control officer shall be empowered to enforce violations of the provisions of this Ordinance by issuing citations for the violation or filing complaints in order to bring the offender before the municipal court of the City of Muscle Shoals, Alabama.

#### Section 10. Failure to comply with notice relative premises

\_\_\_\_\_ (a) Any person having charge, custody or control of any premises where any animal or fowl is kept who is given written notice by the animal control officer or health officer, pointing out any conditions which exist in violation of the provisions of this chapter and who fails to remedy such condition within five days from the receipt of the notice shall be guilty of a misdemeanor.

(b) It shall be unlawful for any person who fails within five days after the receipt of such notice from either the animal control officer or health officer to correct the conditions pointed out therein, to further keep or maintain the animal or fowl within the city. \_\_\_\_\_

#### Section 11. Enforcement powers of animal control officer.

\_\_\_\_\_ (a) The animal control officer shall be empowered to issue citations for violations of the provisions of this Ordinance and is authorized to investigate the commission of misdemeanors and present himself before the City Magistrate for the purposes of making affidavits, filing

complaints or presenting evidence and testimony in connection with the enforcement of the provisions of this Ordinance.

\_\_\_\_\_ (b) The municipal court of the City of Muscle Shoals shall have the jurisdiction to hear cases made under the provisions of this Ordinance.

IV. Article IV of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article IV of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama and Article IV of Ordinance of Number 1227-04 of the City of Muscle Shoals, Alabama which was adopted on May 3, 2004 of the City of Muscle Shoals, Alabama which was adopted on July 1, 1996 is hereby amended so that Article IV shall read in its entirety as follows:

#### **ARTICLE IV. GENERAL PROVISIONS**

##### **Section 1. Construction.**

The provisions of this ordinance shall be deemed and constructed to be an exercise of the police power of the city for the preservation and protection of public safety and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

##### **Section 2. Severability and repeal.**

It is declared that the provisions of this ordinance are severable and if any provision shall be declared unconstitutional or unenforceable by the valid judgment or order of a court of competent jurisdiction, such finding shall not affect any of the remaining provisions of this ordinance. Nothing in the ordinance shall act to repeal any prior enactments of the city nor effect their validity unless and except that the provisions of this ordinance be in direct conflict therewith.

##### **Section 3. Penalties for violations.**

The penalties for violations of any unlawful act or misdemeanor shall be those penalties fo violation of the Code of Muscle Shoals, Alabama as set forth in Chapter 1, Section 1-7 of the Code of Ordinances of the City of Muscle Shoals, Alabama.

##### **Section 4. Effective date.**

This ordinance, and its provisions, shall be effective upon publication or posting pursuant to law or as otherwise provided for by law.

\_\_\_\_\_ Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Grissom and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Holland  
Council Member Grissom, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Willis then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Grissom and, upon said motion being put to a vote, a roll call on final approval was had and the vote

recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Holland  
Council Member Grissom, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance was adopted.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCIL MEMBER - PLACE ONE

\_\_\_\_\_  
COUNCIL MEMBER - PLACE TWO

\_\_\_\_\_  
COUNCIL MEMBER - PLACE THREE

\_\_\_\_\_  
COUNCIL MEMBER - PLACE FOUR

\_\_\_\_\_  
COUNCIL MEMBER - PLACE FIVE

ATTEST:

\_\_\_\_\_  
CITY CLERK