ORDINANCE NUMBER 89-3

AN ORDINANCE REGARDING ANIMAL CONTROL

BE IT ORDAINED, by the Town Council of the Town of Trinity, Alabama as follows:

Section 1. The Mayor of the Town of Trinity, Alabama is hereby authorized to enter into a contract with any authorized dog pound for purposes of the impoundment of dogs taken while running at large within the town limits of the Town of Trinity, Alabama. Such contract shall be subject to approval by the Council. The Mayor is authorized to direct such town employees as he shall deem proper to supervise the impoundment and release of such dogs.

Section 2. Impoundment and Release of Dogs.

(a) Any dog taken up while running at large within the corporate limits of the Town of Trinity, Alabama thereof shall be placed in the pound designated by the Mayor to be kept not less than 48 hours nor more than one calendar week. The Town employee causing the impoundment of such dog shall designate the period of time for which the dog shall be kept, unless the Mayor shall order otherwise. Any such dog as is not redeemed by the owner within one (1) calendar week from time of impoundment shall thereafter be humanely destroyed, sold or otherwise disposed of by or at the direction of the person impounding the animal or the Mayor. The disposition of such dogs may be a part of the contract with the pound to which the dogs are taken.

(b) The owner of any impounded dog, or any other person desiring to redeem such dog, may appear at the dog pound or at a place designated by the Mayor or the employee in charge of impounding such dogs at any time before such dog is humanely destroyed, sold or otherwise disposed of and secure the release of said dog, provided, that such person pays in advance the sum of the then current charge for picking up such dog by the Town and a sum sufficient according to the rate then charged by the dogpound for board for each day or fraction of a day that the dog is kept, together with any payment for any rabies innoculation or any other expenditures made on behalf of the dog according to state law or the procedures of the dog pound.

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Section 3. Assessment of Costs of Upkeep. If the person owning a dog not redeemed can be identified with certainty, the town shall be entitled to assess said person with the reasonable cost of upkeep of said animal, which said sum shall include the actual expenditures made on behalf of said animal together with any charge assessed of dictated by this ordinance. Such assessments may be enforced as other assessments of the town are enforced, or may be collected by civil action commenced in the appropriate Court by the town.

Section 4. Keeping Animals Which Constitute a Nuisance. It shall be unlawful and constitute a nuisance for any person to confine, harbor, or keep on a residential lot or other premises within the corporate limits of the Town of Trinity any dog known to said person to habitually, continuously, or intermittently make or emit sounds or noises of such volume, persistence, or nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood, and the reasonable use and enjoyment of property.

Section 5. Dogs to be Under Control When Off Premises.

(a) It shall be unlawful for the owner or person in charge of any property or premises to cause, permit or allow any dog or puppy residing there, either temporarily or permanently, to be off of such premises or property unless such is under the control of a competent person, either by leash, cord, chain or other restraint sufficient to physically control said dog or puppy at all times.

(b) It shall be unlawful for the owner or person in charge of any dog or puppy to cause, permit or allow such dog or puppy to be off the premises or property of the owner or person in charge unless under the control of a competent person either by leash, cord, chain or other restraint sufficient to physically control said dog or puppy at all times.

Section 6. Animal Affected With Or Suspected Of Having Rabies. Any dog or other animal suspected of having rabies shall be immediately taken up and impounded by the town employee charged with the enforcement of the laws of the town. Any dog or other animal known to have been bitten, or suspected of having been bitten, by a dog or other animal having rabies shall, at the election of its owner, be immediately either humanely destroyed or placed in an enclosure so constructed as to prevent the communication of the disease to other animals, and such dog or other animal shall remain thus quarantined for

a period of three (3) months. The owner may be assessed for any reasonable charges incurred as a result of the enforcement of this section.

Section 7. Keeping Vicious Animal. It shall be unlawful for any owner or other person to maintain or harbor within the corporate limits of the Town of Trinity a manifestly vicious dog or other animal unless the same is securely, but humanely, confined or restrained in such manner as to prevent such dog or other animal from attacking or biting a person or another animal. It shall be prima facie evidence of viciousness if a dog or other animal, without provocation, fiercely attacks persons or animals.

Section 8. Keeping Livestock. It shall be unlawful for any person to harbor or keep any pig, hog, chicken or other like form of poultry within the corporate limits of the Town of Trinity.

Section 9. Livestock Running at Large. It shall be unlawful for any person to allow any livestock, as defined by Code of Alabama, 1975, Section 3-5-1, to run at large with-in the corporate limits of the Town of Trinity.

Section 10. Dead Animals.

(a) It shall be unlawful for any person to leave or cause to be left within the corporate limits of the Town of Trinity any dead animal, or the offals of any dead animal, for more than twenty-four (24) hours after the death of such animal.

(b) It shall be the duty of the owner or custodian of all animals which die or are killed in his possession or custody, and of all persons who kill or cause any animals to be killed, other than such as are slaughtered for food, within the corporate limits of the Town of Trinity, to cause the body of such animal, within twenty-four (24) hours after death, to be either burned or buried at least two (2) feet below the surface of the ground; provided, that no such animal shall be burned or buried sufficiently near a residence or other place occupied by people or in any such other way as to create a nuisance or become offensive.

Section 11. Other

(a) It shall be unlawful for any person to keep or maintain within the cororate limits of the Town of Trinity any pen, kennel or enclosure wherein a dog or dogs or other animals are harbored or kept in such an unsanitary condition that the lives, health or comfort of the public shall be endangered.

The presence in or about such pen, kennel or enclosure of the live larvae of flies under conditions which permit or favor growth or development of flies shall be prima facie evidence of keeping or maintaining such pen, kennel or enclosure in violation of the provisions of this section. All such pens, kennels or enclosures shall comply with all the regulations of the County Board of Health pertaining to same, and shall be cleaned each day and the residue regularly disposed of in a sanitary manner.

Section 12. Penalties. Any person violating the provisions of this ordinance, shall, upon conviction thereof, be punished by a fine not to exceed $100.00 or may be sentenced to jail for not more than thirty (30) days or by both fine and imprisonment.

Section 13. Savings Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not invalidate or render unenforceable any other provision hereof.

Section 14. This ordinance repeals ordinances number 75-2 and number 89-1 and all other ordinances or parts thereof inconsistent herewith.

Section 15. This Ordinance shall be effective upon adoption, approval and publication as required by law.

ADOPTED this 25 day of April, 1989.

APPROVED:

Carl Cirlin
MAYOR

ATTEST:

L Bates

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