

ORDINANCE 07-014-2015

AN ORDINANCE TO REVISE CHAPTER 7 OF THE MOBILE

Sponsored by: Ricardo A. Woods

BE IT ORDAINED BY THE CITY COUNCIL OF MOBILE, ALA

Chapter 7 of the Mobile City Code is hereby revised so that it
as follows:

Article I. In General

Sec. 7-1. Definitions

For the purpose of this chapter, the words and phrases shall have the following meanings:

Animal – Any nonhuman, animate being which is endowed with the ability of self-motion including, but not limited to: mammals, reptiles and birds.

Animal at large - A stray animal or animal which is off the premises of the person in charge and not carried by said person, kept in a vehicle, or otherwise under control or restraint by such person by means of a leash or other device to prevent its free movement, and so as to prevent said animal from attacking persons or animals.

Animal Control Officer - The director, assistant director, or other person assigned to the Mobile Animal Shelter.

Cat – Members of the domesticated feline family.

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

Director – Director of the Mobile Animal Shelter.

Dog – Member of the domesticated canine family.

Domesticated animal – An animal which has been trained or conditioned to be of use to humans.

Fowl – For the purpose of this chapter, the term means

turkeys, guineas, quail, pheasants and all other fowl kept as
purposes.

Hoarding – keeping a higher than usual number of animals as
properly housed or care for them, while at the same time denying

Keep – to confine, harbor or allow to remain.

License – a permit issued by the City of Mobile required for keeping
limits.

Livestock – Domesticated animals, such as cattle, horses, sheep
and goats raised for home use or profit, especially on a farm.

Mobile Animal Shelter – The City department charged with improving

Nuisance – anything which disturbs the use and enjoyment of property, endangers life, health or safety, or is offensive.

Owner – For brevity's sake, the term "Owner" shall be construed to include the actual owner of the animal or any person in whose household the animal is being kept, and any responsible adult members of the household who are regularly kept or allowed to remain.

Person – Any individual, partnership, company, corporation or other legal entity.

Pet – Any domesticated animal kept by a person as a companion animal.

Pet Store – Any retail establishment open to the public that sells animals for sale or transfer, dogs or puppies. The term excludes the Mobile County Animal Shelter, the Mobile County Animal Shelter, and a not for profit organization.

Pet Trader - Any person who sells, barter, or exchanges for consideration a puppy. The term excludes the City of Mobile Animal Shelter, the Mobile County Animal Shelter, and a not for profit 501(c)(3) animal welfare organization.

Poisonous or venomous animal – Any animal, reptile or other creature which is capable of inflicting injury on humans or other animals by means of a poisonous or venomous injection.

Poultry – Domesticated fowl (e.g., ducks, geese, turkeys, chickens, etc.).

Shelter (out-of-doors) - A place of protection from danger, for example, a doghouse.

Songbird – any bird having a musical call.

Stable – Structure for housing livestock.

Under control – When off the premises of the owner or person having control or restraint, an animal must be carried by such person or be in the immediate presence of such person and under the person's verbal command.

Vicious or dangerous animal –

(1) Any animal with a known propensity, tendency or disposition to cause injury to, or otherwise threaten the safety of humans or other animals. Under this definition, the term "known" includes, but is not limited to, the owner's knowledge.

(2) Any animal which, because of its size, physical nature or behavior, is capable of inflicting serious physical harm or death to humans or other animals, or is a danger to human life or property if not kept in the manner required by law.

Wild animal – an undomesticated animal.

Sec. 7-2. Creation of the Mobile Animal Shelter

(a) There is hereby created within the City the Mobile Animal Shelter, the city charged with administration and enforcement of this Code.

(b) The Director of the Shelter shall be appointed by the Mayor or any department head of the city. The Director shall be the supervisor of the Animal Shelter and over the employees assigned to the Shelter.

(c) All enforcement officers assigned to the Shelter shall be Animal Control Officers (ACOs).

(d) ACOs may have full police powers, provided that they have the appropriate training, as required by law. Any provision of this Code that is inconsistent with this section shall be null and void.

Director shall also mean and include any authorized employe
stead and under his or her supervision.

Sec. 7-3. Application in the police jurisdiction

This chapter shall be enforced within the corporate limits, on
and fire jurisdiction.

Sec. 7-4. City declared a bird sanctuary

The entire area embraced within the corporate limits of
sanctuary. It shall be unlawful for any person to pursue, injure
songbird of any kind within the city. This section shall not be c
the Director, ACO, or law enforcement officer when a nuisance
hazard to health or safety which, in the judgment of the off
remedied.

Sec. 7-5. Disposition of fees

All fees (but not fines) collected, as provided for in this chap
animal protection activities performed by the Shelter.

Article II. Duties of Animal Owners

Sec. 7-6. Rabies vaccination required for dogs, cats, and f

(a) An owner of a dog or cat, ferret or other animal requirin
have the animal vaccinated for rabies when the animal has
months and annually or tri-annually thereafter at the ov
discretion. Upon vaccination, the veterinarian shall give the
may be attached to the animal. If the tag is not attached to th
be in the immediate control of the owner who shall produce pr

(b) Rabies tags shall be serially numbered, bearing the yea
owner shall also receive a certificate of inoculation bearing th
year.

(c) Owners shall present rabies certificates to the Shelter wf
for the City's license.

(d) Quarantine required in instance of bite.

- (i) Whenever a human being or domesticated animal has been bitten and the Mobile County Health Department so notifies the Owner, the Owner shall be given a written notice to the Owner that the animal must be placed under the direct supervision of a licensed veterinarian for a period of ten (10) days from the date of the bite for the purpose of determining whether the animal has rabies. The owner shall quarantine the animal within 24 hours.
- (ii) All quarantine costs shall be at the Owner's expense.
- (iii) When, after a reasonable investigation, the Director determines that the animal is unowned, the animal shall be humanely destroyed and submitted to the Alabama Department of Public Health.

(iv) Any owner may relinquish, in writing, the ownership of an animal for the purpose of humanely destroying the animal to enable the procedure to be performed on the animal by the department of health.

(v) It shall be unlawful for the owner of an animal to refuse to comply with the order of the Director given to enforce this section. It shall be unlawful to sell, give away, transfer to another location or otherwise dispose of an animal in quarantine until it is released from quarantine by a qualified veterinarian who is duly authorized under state law.

(e) In the event a rabies tag provided for in Section 7-6(a) is replaced, a new certificate may be issued by the veterinarian who issued the original certificate. The new certificate shall be marked "duplicate" and shall include the new identification number.

Sec. 7-7. City licenses required for all dogs

(a) The Owner of a dog more than three months old shall provide for the dog either a one-year City license if the dog is vaccinated for rabies annually or a three-year City license if the dog is vaccinated triannually.

(b) At the time of registration, the Owner must provide proof of rabies vaccination.

(c) The License shall be in the form of a metal tag, the shape and size of which shall change yearly.

(d) A city license shall not be required from Owners who are within the city for a period not exceeding thirty (30) days.

(e) The Owner shall keep the license tag affixed to the animal at all times while under restraint, on its own premises, or the owner is in the presence of the animal. The owner shall produce proof of city licensure.

(f) It shall be unlawful for any person to put a license tag upon an animal if the tag was not issued or to disfigure the words or figures upon a license tag.

(g) Lost tags may be replaced with duplicates, upon application to the Department of Health and upon payment of the posted fee.

Sec. 7-8. Shelter and care of animals

(a) It shall be unlawful for any Owner to fail to provide food, water and shelter for any animal.

(b) It shall be unlawful for any Owner to keep or maintain an animal in an outdoor pen or enclosure, in such an unsanitary condition that it is a public health hazard.

the animals, or the lives and health of the public or Owner, other animals, shall be endangered.

(c) Shelters for animals who live out-of-doors shall be at least adequately drained, well-ventilated, moisture-proof structure accommodate the animal and retain body heat, and shall be remove excreta and other waste materials so as to minimize d

Sec. 7-9. Animals trained to fight

It shall be unlawful for any person to own, possess, keep or intent that such animal shall engage in an exhibition of fighting human. It shall be unlawful to cause any animal to fight another knowingly be present as a spectator or participant at any pla

fighting animals is taking place, or to knowingly wager anything of such a fight.

Sec. 7-10. Duty to restrain animals

It shall be the duty of every owner, keeper, or person in control of animals on a leash or other effective restraint whether or not they are on the owner's premises.

Sec. 7-11. Duty to confine animals in heat

It shall be the duty of every owner to keep his or her animal confined to the owner's premises.

Sec. 7-12. Sheltering of stray or abandoned animals

(a) Any person finding a stray animal within the city limits may take the animal to the Animal Shelter for confinement. The animal shall be cared for in the shelter during working days. If the animal is not claimed by its rightful owner within five days, the animal shall be available for adoption or shall be transported to an adoption facility to be disposed of as provided for in this Chapter.

(b) Animals claimed within the 5-day period shall be returned to the owner if the owner has provided proof of rabies inoculation and paid all applicable fees.

(c) Animals not claimed within the 5-day period shall be available for adoption at the Animal Shelter.

Sec. 7-13. Duty to remove deposited feces

(a) It shall be unlawful for the owner, keeper, or person having control of an animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, or other place open to the public, or from private property before the owner leaves the premises if solid waste was deposited.

(b) It shall be unlawful for the owner, keeper, or person having control of an animal to fail to have in his/her possession the equipment necessary to remove and dispose of solid waste when accompanied by said animal on any sidewalk, public park, alley, or other place open to the public.

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Sec. 7-14. Keeping Poultry

(a) It shall be unlawful for any person to keep or maintain poultry without a permit from the Director.

(b) Chickens must be kept in a chicken house, coop, ark, or other structure meeting the requirements, as set by the Director.

Sec. 7-15. Corrals, pens and stables, generally

Livestock may be maintained in any area of the city zoned for agricultural use, provided suitable protective shelter for livestock, as follows:

(a) Minimum area for livestock: The minimum space require 12,000 square feet for one animal and an additional 10,000 square feet for each additional animal. Animals must have free and unrestricted access to this space.

(b) Distance of pens, corrals, stables, enclosures from dwelling: Pens, corrals, stables, or enclosures for animals shall be located within one hundred feet of any dwelling owned or occupied by a person other than the animal's owner.

(c) Every stable, corral, or lot where livestock are kept shall be constructed such that such structures shall have sufficient light, ventilation, and drainage.

(d) Poultry are exempt from this section. See, instead, Sec. 7-15.

Sec. 7-16. Construction of stables

All buildings used for stabling horses, mules or cows require a minimum of 12,000 square feet and must be constructed in compliance with Chapter 11 of the Mobile County Code.

Sec. 7-17. Animals, reptiles, serpents that are wild, or venomous, or potentially dangerous or vicious shall be under restraint

(a) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles and serpents (referred to collectively for convenience, as "animals") in their care to prevent such animals from attacking a person or other animal.

(1) "Securely confined" means that, while on the Owner's premises, the animal is securely confined indoors or in a securely enclosed and locked structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a roof to protect the animal from escaping over, under, or through the structure and to provide protection from the elements. The pen or structure shall allow the animal to perform normal postural movements and to move around and shall meet the minimum standards for sanitation provided in this chapter.

(2) Animals who are wild or poisonous or potentially dangerous or vicious and transported off the premises of the Owner shall be caged, or otherwise restrained, to prevent the animal from attacking or causing injury to a person.

Sec. 7-18. Disposal of dead animals

All dead animals must be properly disposed of within 24 hours. No animal may be dumped on private or public property.

Article III. Unlawful conduct and code enforcement

Sec. 7-19. Abandonment of animals within the City

(a) It shall be unlawful for any person to knowingly abandon or abandon any animal within the City.

(b) If an Owner or person in charge wishes to deliver an animal for adoption, the Owner may do so, provided that the Owner or person in charge pays the posted fee, and the Shelter has space for the animal.

Sec. 7-20. Application of the City's zoning code

It shall be unlawful for any person to keep any animal or fowl zoned for that animal or fowl. Please see Chapter 64 regulations.

Sec. 7-21. Public nuisances

It shall be unlawful for any person to fail to exercise the necessary care to prevent an animal in his or her possession or care from creating a public nuisance for the purposes of this section, an animal is a public nuisance if the animal:

- (a) Habitually makes disturbing noises including, but not limited to, barking, yelping, whining, or other utterances causing unreasonable annoyance to others in close proximity to the premises where the animal is kept;
- (b) Creates unsanitary conditions or offensive and objectionable surroundings and, thereby creates unreasonable annoyance to others in the close proximity to where the animal is kept; or
- (c) Damages property belonging to anyone other than its owner, including lawns, flowers, gardens, and shrubs.

Sec. 7-22. Hoarding

It shall be unlawful for any person to keep animals as pets in such a manner that they cannot be properly housed or cared for. Any person who violates this section shall be subject to confiscation of the animals in addition to other penalties.

Sec. 7-23. Animals at large

It shall be unlawful for any person to suffer any animal in his or her possession to go, stray or wander upon the premises of another or upon the premises of another if the animal is running at large if it is not under control of the owner or person in charge and is not:

- (a) Confined within a fence, wall, or other enclosure in such a manner as to effectively prevent the animal from traveling onto public property of another;
- (b) On a leash not more than 10 feet in length, while walking on a leash or harness; or

(c) On a chain or tether not less than ten feet in length and dangerous to the animal and not of such a length that it would enclose the private property of others, or a street, highway, road, alley or other public place.

Sec. 7-24. Animals, reptiles or serpents known to be dangerous

(a) The Director shall have the authority, at the Director's sole discretion, to impound any animal, reptile or serpent (referred to collectively and for convenience, as "animals") whose Owner is criminally charged or alleged to have bitten, charged or caused other bodily injury to a human or animal, pending final resolution of those criminal charges.

(b) The Director shall have the authority, at the Director's sole discretion, to impound any animal which, without provocation, attacks or bites or threatens to attack or bite any human being or domestic animal.

(c) The Owner shall be responsible for all costs related to the impoundment of the animal under this provision, regardless of the outcome of the criminal proceedings.

(d) If the animal impounded under this provision is deemed to be a continuing danger to the Owner, member of the household, or the public, the Director shall humanely dispose of the animal.

Sec. 7-25. Cruelty

(a) Adoption of state law. Any person or corporation committing an act of cruelty to animals within the corporate limits of the city which is declared to be a misdemeanor offense of cruelty to animals by the state now existing (see Ala. Code 13A-11-14 and Sec. 13A-11-15) shall be deemed to be a misdemeanor offense of cruelty to animals under this ordinance hereinafter enacted to be a misdemeanor offense of cruelty to animals under this ordinance of an offense against the city.

(b) The director of the Mobile Animal Shelter shall serve as a dog and cat cruelty officer to prevent such cruelty, pursuant to Ala. Code 13A-11-14 (1975).

Sec. 7-26. Certain sales regulated

(a) No dog(s) shall be offered for sale, gift or other transfer of ownership on a public street, roadway, right-of-way, sidewalk or park.

(b) No dog(s) shall be offered for sale, gift or other transfer of ownership at a pet store or swap meet, or by any pet trader, unless the seller provides, at the time of sale, with the following:

(1) a signed original State of Alabama Small Animal Health Certificate;

(2) a negative fecal examination report from a licensed, accredited veterinarian no more than ten (10) days before the date of sale; and,

(3) a microchip registration form.

(c) No dog(s) shall be offered for sale, gift or other transfer of ownership at a pet store or swap meet, or by any pet trader, until the animal has been held for a minimum of nine (9) weeks, as established by information included in the Animal Health Certificate.

(d) All dogs offered for sale, gift or other transfer of ownership shall be held for a minimum of nine (9) weeks, as established by information included in the Animal Health Certificate.

or swap meet, or by any pet trader, must be implanted with
The microchip number must be provided on the microchip reg
the purchaser or transferee at the time of sale.

(e) No vendor shall offer a dog(s) for sale or gift or other transf
any pet store or swap meet, unless there is conspicuously
location a sign which reads as follows:

ATTENTION

**No dog shall be sold or given away unless the dog is
9 WEEKS OLD**

AND

the buyer is provided with:

the original State of Alabama Small Animal Health Certificate

AND

a negative fecal examination report by a licensed veterinarian

AND

a document showing that the dog is microchipped

City of Mobile Code Section 7-26

- (f) The print on said sign shall not be less than 2 inches in height.
- (g) For purpose of this section, a “swap meet” is defined as an activity popularly known as a swap meet, flea market or park open to the general public and composed of enclosed, semi-enclosed stands or spaces rented or leased to persons on a temporary basis for display and sale, barter or exchange of new or used merchandise.
- (h) Exceptions. This section shall not prohibit the sale, ownership of dogs at county fairs, animal exhibitions or shows or other activities or events that are regulated by other state or county laws.

Sec. 7-27. Authority of “Nonsworn” ACOs

Animal control officers who are not sworn police officers shall be authorized to issue Notices of Violations and Municipal offense tickets for any violation of Code Section 7 for which a set fine is published in the City’s municipal code schedule.

Sec. 7-28. Authority of “Sworn” ACOs

Animal control officers who are sworn police officers shall have the authority to issue Notices of Violations and Municipal offense tickets for any violation of the Code of Ordinances which a set fine is published in the City's municipal court magisterial district court. The Director has the additional authority to issue citations and warrants for violations of the Code of Ordinances for which penalties must be assessed by a court of proper jurisdiction.

Sec. 7-29. Authority to impound

To promote the City's interest in seeing that all animals are properly cared for and to ensure the well-being of residents of the City, the Director or any authorized employee is authorized to impound any animal if there is reasonable cause to believe the following conditions exist:

- (a) The animal is the subject of an act of cruelty or neglect as and state law;
- (b) The animal is running at large, in violation of this chapter;
- (c) The animal has been abandoned;
- (d) The animal is the subject of a Shelter investigation for vicio
- (e) The animal does not display a valid inoculation tag and the not produce proper inoculation documentation.

Sec. 7-30. Authority to enter private property

Any ACO, city police officer or agent of the Shelter is authori property to impound any animal observed at large and chase animal that, in the reasonable discretion of the ACO, police of been abused or neglected.

Sec. 7-31. Humane traps and chemical capture methods

(a) In order to apprehend animals in violation of this Chapter to apprehend, any ACO, city police officer or Shelter agent i designed to humanely capture such animals by placing the tra upon the rights-of-way of any public street or highway, or up any person who grants permission.

(b) Any ACO, city police officer, or Shelter agent is hereby a capture methods to capture animals in violation of this chapter humane traps would be ineffective and the animal is diseas public safety.

Sec. 7-32. Destruction of certain animals

(a) The Director is authorized to humanely destroy any si unclaimed at the Shelter for more than 5 working days, prov made reasonable efforts to locate the animal's Owner and provided that, in the Director's opinion, the animal constitute threat to public health, safety or welfare.

(b) The Director is authorized to humanely destroy any ani public property when such animal is injured or diseased and p;

(c) The Director is authorized to humanely destroy any wild a

which presents a direct and immediate threat to public health,
(d) The Director is authorized to destroy any animal which has
any person causing severe injury, the loss of bodily function c
believes such animal constitutes a direct and immediate threat
welfare.

(e) The Director is to employ the most humane means pos:
authority granted in this section.

Article IV. Fines and penalties

Sec. 7-33. Fines

It shall be unlawful for any person to violate any provision of violating the provisions listed below shall be assessed the fol be published in the City’s municipal court magistrate’s fine sch

City Code Section	State Code Section Adopted	Fine*
7-8		\$100
7-9		Court app more than costs) or s
7-22		Court app more than costs) or s
7-24		\$150
7-25	Ala. Code Sec. 13A-111-14, Sec. 13A-11-241 (1975)	Court app no more court costs
7-26		\$100
All other violations of Chapter 7		\$25

*Fine does not include court costs, which are set by the Alabar

The provisions of this Ordinance are declared to be sever sentence, clause or phrase of this Ordinance shall, for any rea or unconstitutional, such decision shall not affect the validity i sentences, clauses and phrases of this Ordinance, but they sh effect.

This ordinance shall become effective at midnight on April 4, 2

Adopted: February 24, 2015

Lisa C. Lambert

City Clerk