

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 5-4, 5-5, 5-30, 5-52, 5-53, 5-62, 5-115 AND CREATING SECTIONS 5-6, 5-7, 5-64, 5-65, 5-116 AND DELETING SECTION 5-54 OF CHAPTER 5 - ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE, ALABAMA RELATING TO ANIMAL CONTROL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE:

SECTION I. The following sections shall replace the selected sections contained in City of Jacksonville Code of Ordinances Chapter 5 - Animals § 5-4, 5-5, 5-30, 5-52, 5-53, 5-62, 5-115 and § 5-6, 5-7, 5-64, 5-65, 5-116 are hereby created, to read as follows:

Sec. 5-4. - Disposition of dead animals.

It shall be unlawful for any person to leave or deposit the carcass of any horse, mule, jack, cow or animal of the cow kind, hog or animal of the hog kind, or dog, or cat upon any land or place within the city, and leave the same in such exposed condition that offensive odors are likely or probable to arise therefrom.

Sec. 5-5. - Keeping live chickens, turkeys, etc., within certain distance of residences.

It shall be unlawful for any person to keep any live chicken, turkey, duck or other fowl or a pen, yard or enclosure in which a live chicken, turkey, duck or other fowl is kept within 300 feet of a residence in the corporate limits of the city. Male chickens, roosters, are prohibited within the corporate limits of the city.

Sec. 5-6. – Duty upon injuring animal

It shall be unlawful for any person who strikes, injures or kills any domestic animal within the city to fail to immediately report or cause to be reported such injury to an animal control officer or to the police. This provision applies without limitation to the operators of motor vehicles.

Sec. 5-7 - Bees and bee hives; keeping near schools, parks or residences.

Except for bee hives already established as of the effective date of this ordinance, it shall be unlawful for any person to keep or maintain bees or bee hives within 150 feet of the boundary line of any property upon which is any school ground, public park or public playground in the city or within 300 feet of the boundary line of any property upon which is the residence of another person in the city.

Sec. 5-30. - Restrictions on keeping hog pens.

(a) It shall be unlawful for any person to have, keep or maintain any hog pen within the corporate limits of the city.

Sec. 5-52. - Animal control officer.

Animal control officers and law enforcement officers are authorized to enforce all ordinances in this chapter or which otherwise pertain to animal control; to seize and impound any animal in accordance with this chapter which is the subject of animal cruelty or is illegally running at large; to investigate possible violations of animal control ordinances; to attempt to resolve animal control problems or violations through conference and advice; to issue citations for violations of any provision of law relating to animals; and to carry out any other duties expressed or implied in any ordinance relating to animals or in such officer's job description pertaining to animals or animal control, provided that such animal control officer shall not have the power of custodial arrest.

Sec. 5-53. Registration.

(a) All dogs kept, harbored or maintained in the city shall be registered by their owners. The owner shall state at the time of application, upon forms provided for such purpose, his name and address and the name, breed, color and sex of each dog owned or kept by him. The dog shall only be registered upon presentation of satisfactory evidence that the dog for which application is made has received a rabies inoculation in accordance with Code of Ala. 1975, title 32, ch. 7A (Code of Ala. 1975, § 32-7A-1 et seq.).

(b) Any dog found unregistered shall be picked up and transferred to a humane society or some other suitable pound. Dogs not redeemed within seven days after being impounded shall be disposed of by sale or in any humane manner.

(c) To redeem a dog from the pound keeper, humane society or clinic holding said dog there shall be paid a fee in the amount established by the city council, plus an inoculation fee. Individuals redeeming dogs must display evidence of inoculation and of city registration in addition to the payment of fines and fees before the dog will be returned to them.

Sec. 5-62. - Nuisance dogs.

Definitions. The following definitions shall apply to this section.

(1) "Bark," "barks" or "barking", shall mean barking, yelping, howling, growling or otherwise making noise.

(2) "Continuous", in regard to barking, shall mean barking which occurs during the majority of any ten-minute period.

(3) "Excessive", in regard to barking, shall mean repetitive periods of continuous barking which is audible from properties, residences, or public places and rights of way adjacent to the location of the barking dog.

(4) "Untimely", in regard to barking, shall mean excessive, continuous barking that is unprovoked by trespass or the immediate threat of trespass.

It shall be unlawful for an owner of any dog to permit such dog to engage in excessive, continuous or untimely barking or howling, or to permit such dog to molest passersby, chase vehicles, attack other domestic animals or to trespass upon the private property of another.

Sec. 5-64. - Duty of dog owner on public property and right-of-way.

(a) It shall be unlawful for the owner or person-in-charge of any dog to not immediately remove and properly dispose of any feces deposited by the dog upon any sidewalk, street, public property, or city right-of-way.

(b) Dog feces shall be removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit or other closed or sealed refuse container.

(c) It shall be unlawful for any person having custody or control of any dog or other animal within a city street, sidewalk or right-of-way to not carry at all times a suitable container for the removal and disposal of dog feces.

Sec. 5-65. - Tethering and collars.

(a) *Tethering.* It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap, or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

(1) Tethering shall be with the owner present and shall not be for more time than is necessary for the dog owner to complete a temporary task that requires the dog to be physically restrained for a reasonable period of time not to exceed sixty (60) minutes.

(2) The dog must be tethered by a nonchoke-type collar to a tether at least ten (10) feet in length and which tether is free from entanglement.

(3) The dog must have access to food, water and shelter during any period of tethering.

(b) *Collars.* The collar or harness fitted to dogs shall consist of leather or nylon of not more than two (2) inches in width or chain of not more than one-half inch in diameter or width and be of sufficient strength to control the actions of the dog.

Sec. 5-115. Registration.

(a) All cats kept harbored or maintained in the city shall be registered by their owners. The owner shall state at the time of application, upon forms provided for such purpose, his name and address and the name, breed, color, and sex of each cat owned or kept by him. The cat shall only be registered upon presentation of satisfactory evidence that the cat for which application is made has received a rabies inoculation in accordance with Code of Ala. 1975, title 32, ch. 7A (Code of Ala. 1975, § 32-7A-1 et seq.).

(b) Any cat found unregistered shall be picked up and transferred to a humane society or some other suitable pound. Cats not redeemed within seven days after being impounded shall be disposed of by sale or in any humane manner.

(c) To redeem a cat from the pound keeper, humane society or clinic holding said cat there shall be paid a fee in the amount established by the city council, plus an inoculation fee. Individuals redeeming cats must display evidence of inoculation and of city registration in addition to the payment of fines and fees before the cat will be returned to them.

Sec. 5-116 - Female cats in heat.

It shall be unlawful for the owner of any female cat to allow such cat while in heat in the city not to be secured by a leash or enclosed by means of a fence or other enclosure.

SECTION II. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION III. Effective upon adoption of this ordinance to the extent that all other ordinances or parts of ordinances of the City of Jacksonville conflicting herewith or inconsistent with the provisions in this ordinance (including Section 5-54) regarding animals and/or animal control are hereby repealed to the extent of such conflict.

SECTION IV - Effective date.

This Ordinance shall become effective upon its publication as required by law.

PASSED AND ADOPTED this the _____ day of _____, 2017.

Council President Sandra Fox Sudduth

Approved by Mayor Johnny L. Smith

Council Member Jerry Parris

ATTEST:

Council Member Jimmy L. Harrell, Jr.

Antonia R. Rispoli Fanning, City Clerk

Council Member Tony Taylor

Council Member Coty Galloway