

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE,  
ALABAMA, AS FOLLOWS:

**ARTICLE 1. IN GENERAL**

**SECTION I-1: Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any horse, hog, cow, sheep, rabbit or any other animal of the equine, swine, bovine, ovine or hare type of family; provided, however, that the use of the word "animal" in any section of this article shall not be construed as permitting the keeping of any hog or other animal of the swine type in violation of Section IV-2 of this ordinance.

Animal control officer means the officer appointed as such by the Mayor of the City and approved by the City Council. Any officer of the City exercising police authority is authorized to enforce the provisions of this chapter.

Campus means the premises of any public or private school of instruction within the corporate limits of the City.

City means the City of Roanoke, Alabama.

Domestic animal means all members of the canine family three months of age or more, all members of the feline family three months of age or more, and all pets of exotic wildlife such as skunks, raccoons, ocelots, foxes, etc., that are capable of having and transmitting rabies, and for which the vaccines are recommended by the state health officer or the state veterinarian.

Enclosure means the entire house or fenced area where fowl or animals are confined and also means the area where fowl or animals are tied, chained or tethered.

Fowl means chickens, turkeys, ducks, geese, guineas, quail, pheasant and other fowl; provided that the word "fowl" shall not include pigeons, mynah birds, cockatiels, canaries, parakeets, parrots or any small bird kept in the house as a pet or for ornamental purposes.

Health officer means the county health officer and his/her authorized agents.

Owner means any person having a right of property in the animal, or who keeps or harbors an animal or who has it in his/her care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by him for three days or more.

Public school grounds means all of the buildings, real property and public play areas of each public school within the corporate limits of the City.

Vicious dog or dangerous dog shall mean, but not be limited to, any dog known to have attacked any person without provocation or any dog known to have maimed, mortally wounded, or killed any domestic animal, except in self defense, or any dog known to have repeatedly and savagely stalked and harassed any domestic animal, or any dog that is known to have chased, stalked, or harassed a person or persons without provocation in a menacing way.

**SECTION I-2: Construction of chapter; exercise of police power.**

This chapter shall be deemed and construed 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.

## **ARTICLE II - KEEPING OF ANIMALS**

**SECTION II-1: Unlawful to keep wild or dangerous animal without permit.**

It shall be unlawful for any person to keep any wild or dangerous animal or fowl in the City.

**SECTION II-2: Maintenance of premises where kept.**

For the protection of the public health, it shall be the duty of every person who keeps any animal or fowl within the City to at all times maintain the premises where any such animal or fowl is kept in a sanitary condition, to prevent the hatching of fly or insect larvae and to prevent offensive odors emanating therefrom.

**SECTION II-3: City of keeper to permit inspection of premises, comply with directions of officer.**

It shall be the duty of every person who keeps any animal or fowl within the City to permit the health officer or the animal control 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 the health officer pertaining to public health, sanitation, fly or insect larvae control, and the prevention of offensive odors.

**SECTION II-4: Failure to comply with notice relative to 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 section II of this ordinance and who fails to remedy such condition within five days from the receipt of the notice, shall be guilty of a Violation.

(b) All violations of this Article II of this ordinance shall constitute a new offense each day the same occur, and each said offense shall constitute a Violation.

(c) In addition to other penalties as may be proscribed by statute or this ordinance, 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 for a period of one month.

**SECTION II-5: Location of enclosures, number of animals restricted; kennels.**

(a) It shall be unlawful for any person to keep more than three dogs in an enclosure within the corporate limits of the City where the perimeter of the enclosure is less than 50 feet from the residence or dwelling of another person.

(b) It shall be unlawful for any person to keep any dogs in an enclosure within the corporate limits of the City where the perimeter of the enclosure is less than 300 feet from the residence or dwelling of another person where the enclosure allows less than a minimum of 100 square feet.

(c) It shall be unlawful for any person to keep or board on his premises in outside pens or enclosures, within the corporate limits of the City, dogs and/or cats of another person, when the total number of dogs and/or cats in the enclosure or pen exceed three, unless such person operates a licensed kennel.

**SECTION II-6: Bitches in season running at large.**

It shall be unlawful for the owner of any female dog to permit such dog, while she is in season, to be at large or unconfined in the City or its police jurisdiction, upon any street or public place, or upon the private premises of another without the consent of the person in charge or control of such private premises.

**SECTION II-7: Dogs at large on public school grounds.**

(a) It shall be unlawful for the owner of any animal to allow such animal to be at large on any public school grounds or campus, whether or not such animal is wearing or displaying a current tag.

### III VICIOUS AND AGGRAVATING ANIMALS

#### SECTION III-1: Vicious or dangerous dogs running at large; Investigation; Appeal.

(a) It shall be unlawful for any owner or other person to maintain or harbor within the City limits of the City 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 domestic animal. It shall be prima facie evidence of viciousness if a dog or other domestic animal, without provocation, fiercely attacks persons or domestic animals.

(b) It shall be unlawful for the owner of any dog that has reportedly bitten or attacked any person or domestic animal to allow the dog to run at large in the City or in its police jurisdiction, unless the animal control officer, after investigation as provided in subsection (c) of this section, or the judge of the court trying a case for violation of this section, shall find that the dog, although having bitten or attacked a person, animals or fowl, was provoked to such action in a manner that a dog which was not vicious would have similarly responded to such provocation.

(c) It shall be the duty of the animal control officer to investigate all complaints concerning vicious or dangerous dogs. After investigation, the animal control officer shall make a determination as to whether the dog should be confined pursuant to this section. If the animal control officer determines the dog should be confined he shall so notify the owner in writing. The owner or any party aggrieved by the decision may appeal the decision of the animal control officer to the judge of the Municipal Court of the City within five days from the receipt by the owner of the animal of the animal control officer's decision. The filing of the notice of appeal shall entitle the person seeking the appeal to a de novo civil hearing before the judge of the Municipal Court, but the filing of the appeal shall not suspend the decision of the animal control officer.

#### SECTION III-2: Barking, howling dogs.

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

#### SECTION III-3: Restraint of dogs or cats becoming nuisance to users of public streets or habitually trespassing in damaging way.

(a) It shall be unlawful for the owner of any dog or cat to allow the animal to be at large off the owner's property or free to travel in the public streets unless under restraint of leash or chain or in the company and under voice control of a responsible person, which dog or cat:

soon as practical after learning of the same and in no event not less than forty-eight (48) hours, excluding weekends and holidays, of learning of the same.

#### SECTION III-6: Penalties

All violations of this Article III-6 of this ordinance shall constitute a new offense each day the same occur, and each said offense shall constitute a Violation, EXCEPT, HOWEVER, a second or subsequent offense as described in sections III-1(a), III-1(b), or III-4 shall constitute a Class C misdemeanor.

### IV MISCELLANEOUS

#### SECTION IV-1: Cruelty to animals.

(a) It shall be unlawful for any person to torture, torment, cruelly beat, mutilate, cruelly kill, override, overload, confine in a vehicle in warm weather, intentionally abandon, or inflict any unnecessary cruelty upon any animal or fowl. It shall likewise be unlawful for any person who, having charge, custody or control of any animal or fowl, either as owner or otherwise, to inflict any unnecessary cruelty on, or fail to provide the necessary sustenance, water and proper shelter for any such animal or fowl. This section shall not apply to the dehorning of cattle and normal accepted husbandry practices nor to the use of animals in connection with medical or scientific teaching or research.

(b) It shall be unlawful for any person to willfully instigate, promote or engage in or conspire with others to commit or do any act towards the furtherance of any act of cruelty to any animal or fowl.

(c) It shall be the duty of any person who, as the operator of a motor vehicle, strikes and injures or kills a domestic animal, to report such accident to the animal control officer, the local humane society, the owner of the animal, or a law enforcement agency. It shall be unlawful for any person to intentionally strike, injure or kill a domestic animal using a motor vehicle.

#### SECTION IV-2: Any animal affected with or suspected of having rabies.

Any dog or other animal suspected of having rabies shall be immediately taken up, quarantined, and confined by the poundmaster or any officer charged with the enforcement of the laws of the City the greater of two weeks or such time as is required by State law. Any dog or other animal known to have been bitten, or suspected of having been bitten, by a dog or other animal 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 the greater of two weeks or such time as is required by State law. All incidents requiring quarantine shall be reported to the rabies officer or health officer as required by State law.

If the settlement is made, and receipt given therefore, the person committing the offense shall be deemed to have pleaded guilty and no prosecution for the specific alleged offense for which the alleged offender has so settled shall be thereafter instituted in the Municipal Court.

(c) If the alleged offender has previously settled or been convicted of the offense for which he is charged within 12 months prior to the date of the instant alleged offense the applicant for settlement shall not be permitted to settle the instant alleged offense, but shall be required to stand trial in Municipal Court.

(e) Any person who is alleged to have committed any offense listed in the animal control ordinance violations settlement may, in lieu of voluntary settlement, sign and deliver to the City Clerk, or other officer at the time in charge of receiving bonds, a bond for appearance in Municipal Court in such reasonable amount as may be prescribed by the judge of the Municipal Court.

**SECTION V-4: Emergency restraint.**

(a) In any case where it is reported to the animal control officer that a dog is vicious or dangerous, or that a dog or cat or an owner of a dog or cat is in violation of Article III Section 1 (a) or Article IV Section 2, the animal control officer is authorized to notify the owner of the dog or cat to confine the animal or to prevent the animal from running free without restraint of leash or chain in the City pending an investigation of the violation.

(b) It shall be unlawful for the owner of any dog or cat receiving such notification to fail or refuse to comply therewith, provided, however, the period of such emergency restraint shall not continue beyond 21 days from the date of the notice without the benefit of a hearing before the Municipal Judge .

**SECTION V-5: Right of entry by enforcement agents; interfering with, obstructing enforcement.**

(a) The animal control officer and the health officer shall be authorized to enter upon and make an inspection of any public or private premises for the purpose of ensuring compliance with the provisions of this chapter.

(b) Any person who by word or act resists, obstructs or impedes the animal control officer or health officer or any other officer of the City or who uses threatening or abusive or opprobrious language toward such officer while engaged in the enforcement of this chapter or while engaged in the performance of any duty or in the exercise of any authority authorized by ordinance of the City or state law shall be guilty of a Violation.

**SECTION IV-3: Penalty.**

All violations of this Article IV-3 of this ordinance shall constitute a new offense each day the same occur, and each said offense shall constitute a Violation, EXCEPT, HOWEVER, a second or subsequent offense as described in sections IV-1(a) and IV-1(b) shall constitute a Class C misdemeanor. Moreover, for each animal in regards to which an offense as described in this Section IV occurs, a separate offense shall be deemed to have been committed.

**ARTICLE V - ADMINISTRATION AND ENFORCEMENT**

**DIVISION 1. GENERALLY**

**SECTION V-1: Penalty.**

All violations of this Article V-1 of this ordinance shall constitute a new offense each day the same occur, and each said offense shall constitute a Violation, EXCEPT, HOWEVER, a second or subsequent offense as described in sections V-4 shall constitute a Class C misdemeanor.

**SECTION V-2: Investigation of reported violation; conference, hearing toward resolution of problem.**

It shall be the duty of the animal control officer to investigate all reported violations of animal control ordinances and to attempt to solve the problems through conference and advice. In connection with the conference, the animal control officer is authorized to conduct hearings at which any citizen may be heard and thereupon make such recommendations or take such actions as may be authorized by this Code or ordinances of the City to resolve the problem in the best interest of the public health and safety.

**SECTION V-3: Policy for settlement of minor violations without trial.**

(a) The Municipal Judge may establish and from time to time amend a list of briefly described offenses against the provisions of this ordinance, with a settlement amount set opposite each of the described offenses, which list and the amount so established shall be known as the animal control ordinance violations settlement sheet, and shall be effective when approved by the City Council.

(b) Any person who is alleged to have committed any offenses described in the animal control violations settlement sheet and who has not appeared or executed bond for appearance in Municipal Court or been incarcerated, and who desires to waive trial of the question of his/her guilt or innocence of the alleged offense and voluntarily settle out of court for the alleged offense, may apply to the Municipal Court, judge or clerk, to voluntarily pay in settlement of the alleged offense the amount prescribed on the animal control ordinance violations settlement sheet, and the judge or clerk is hereby authorized and instructed to receive such amount.

(1) Has repeatedly destroyed the property of another person or persons, or which habitually trespasses in a damaging way on the property of persons other than the owner of the animal, or

(2) Habitually runs after or barks at pedestrians or vehicles (including cycles) lawfully using the public streets or sidewalks of the City.

(b) It shall be the duty of the animal control officer to investigate all complaints concerning dogs or cats which habitually trespass in a damaging way on the property of any person other than the owner of the dog or cat and all complaints concerning dogs which run after or bark at pedestrians or vehicles lawfully using the public streets or sidewalks of the City. On a determination by the animal control officer that:

(1) An animal has habitually trespassed in a damaging way on the property of another;

(2) The owner has failed to clean areas where his animal has exercised; or

(3) The animal habitually runs after and barks or threatens individuals or vehicles (including cycles) using the public streets and sidewalks;

He shall so notify the owner in writing that restraint is required.

(c) The owner of any property aggrieved by the decision may appeal the decision of the animal control officer to the judge of the Municipal Court. The notice of appeal must be filed with the clerk of the Municipal Court within five days of the receipt by the owner of the animal control officer's decision. The filing of the notice of appeal shall entitle the person seeking the appeal to a de novo civil hearing before the judge of the Municipal Court, but the filing of the appeal shall not suspend the decision of the animal control officer.

(d) It shall be unlawful for the owner of any dog or cat, after having been notified that restraint is required as provided in this section, to allow his dog or cat to be at large, off the owner's property, or free to travel in the streets unless under restraint of leash or chain or in the company of and under voice control of a responsible person.

**SECTION III-4: Unlawful to keep wild or dangerous animal without permit.**

It shall be unlawful for any person to keep any wild or dangerous animal or fowl in the City or its police jurisdiction.

**SECTION III-5:**

The owner of every dog that bites or attacks a person so that the person bleeds shall report the incident to the County Health Officer as



SECTION V-6: City of keeper to permit inspection of premises, comply with directions of officer.

It shall be the duty of every person who keeps any animal or fowl within the City to permit the health officer or the animal control 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 the health officer pertaining to public health, sanitation, fly or insect larvae control, and the prevention of offensive odors.

SECTION V-7: Killing authorized.

The animal control officer, and any police officer or other officer of the City exercising police authority is authorized to kill any dog or other animal found running at large contrary to the provisions of Article III, of this ordinance Sections 1 (a) or Article IV Section 2, provided the animal constitutes in that officer's opinion an immediate and serious danger to the public health, welfare, and safety and, except in emergency situations, the officer has made a reasonable attempt to capture the animal or locate the owner and either such efforts were unsuccessful or the owner failed or refused to take timely and appropriate measures to protect public safety, health, or welfare. Any animal found which is excessively diseased or fatally injured may be immediately destroyed by or at the direction of the animal control officer provided the officer has made a reasonable attempt to capture the animal or locate the owner and either such efforts were unsuccessful or the owner failed or refused to take timely and appropriate measures to protect public safety, health, or welfare or to relieve or remedy the animal's disease or injury.

SECTION V-9: CUMULATIVE PROVISIONS

All provisions and penalties of this ordinance are cumulative to and do not supersede or replace any provisions of the Code of Alabama. The offenses described herein shall be separate offenses from those stated in the Code of Alabama, except that if any conflict exists between this statute and the Code of Alabama, the Code of Alabama shall prevail.

PASSED AND ADOPTED, this 9/22/97

CITY COUNCIL OF THE CITY OF ROANOKE,  
ALABAMA

ATTEST:

Ellen Farmer  
City Clerk