

ORDINANCE No. 139

**An Ordinance to Repeal Ordinance Number 113 and Ordinance Number 128;  
An Ordinance Prohibiting Non-Domestic Animals and Dangerous Animals; Declaration of  
Nuisance**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
MAPLESVILLE, ALABAMA, AS FOLLOWS:**

**Section 1 – Repeal.**

a. Ordinance Number 113 regarding the keeping of dogs within the Town of Maplesville is repealed as of the effective date of this ordinance.

b. Ordinance Number 128 regarding vicious dogs within the Town of Maplesville is repealed as of the effective date of this ordinance.

**Section 2 - Purpose.**

This Ordinance is enacted to protect, preserve and promote the health, safety, and welfare of the citizens of the Town of Maplesville, Alabama.

**Section 3 - Definitions.**

As used in this Ordinance:

“Animal Control Officer” shall mean the Chief of Police, the person so designated by the Town Council of the Town of Maplesville, Alabama, or his or her authorized representative or designee.

“Town” shall mean the Town of Maplesville, Alabama.

“Dangerous Animal” shall mean an animal of any type or description which has:

- (a) Caused bodily injury or disfigurement to any person.
- (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety.
- (c) Inflicted or attempted to inflict bodily injury to any person or other animal.

- (d) Exhibited unusually aggressive behavior, such as an attack on another animal.
- (e) Bitten one or more person(s).

“Domestic Animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs; cats; caged birds; gerbils; hamsters; guinea pigs; domesticated rabbits; fish; non-poisonous, non-venomous and non-constricting reptiles or amphibians; and other similar animals.

“Education Exhibit” shall mean an exhibition for education purposes to a school or similar group not open to the general public and authorized and sanctioned by the appropriate school board.

“Exhibit” shall mean the exhibition of non-domestic animals to the public and includes zoos, circuses and education exhibits, whether or not for compensation.

“Exhibitor” shall mean a person whose business involves the showing or displaying of animals to the public and who is a Class C USDA licensee as defined by 9 C.F.R. §1.1, as amended.

“Non-Domestic Animals” shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, panthers, cheetahs, and jaguars, but excluding commonly accepted domesticated house cats.
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, and jackals, but excluding commonly accepted domesticated dogs.
- (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- (d) Any member or relative of the rodent family including any skunk, raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including but not limited to rattlesnakes, boa constrictors, cobras, pit vipers, crocodiles and

alligators.

- (f) Any member of family ursidae (bears).
- (g) Any monkey or nonhuman primate, bat, poisonous insect or arachnid, and poisonous spiders.
- (h) Any poisonous, venomous or inherently dangerous or vicious member of any family or species including any animal with wild, dangerous or vicious propensities.
- (i) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this Ordinance.

“Person” shall mean any individual, partnership, corporation, firm, association, company, entity or combination of individuals, of whatever form or character.

“Secondary perimeter” shall mean a fence, rope, elevation separation such as a stake, or some other physical arrangement as may be approved by the Animal Control Officer by which the public is kept at such a distance from an animal as to avoid accidental or intentional contact with animals.

“USDA license” shall mean a person licensed as a breeder (Class A), dealer (Class B) or exhibitor (Class C) in accordance with 9 C.F.R. §1.1, et seq., as amended.

“Veterinary clinic” shall mean a facility for the care and treatment of animals operated by a doctor of veterinary medicine licensed by the State of Alabama.

#### **Section 4 – Domestic Animals.**

(a) Every owner of a dog, cat, or ferret required to be immunized for rabies shall cause the animal to be immunized by the rabies officer, his or her authorized representative, or any duly licensed veterinarian, when the animal reaches three months of age and subsequently in accordance with the intervals specified in the vaccine's license. It shall be unlawful for any person to own, possess, keep or harbor a domestic animal within the Town of Maplesville without having such animal inoculated as required by Section 3-7A-4 of the 1975 *Code of Alabama*, as last amended.

(b) It shall be unlawful for any person to permit to run or be upon a street, alley, sidewalk, thoroughfare or public place within the Town, unless secured by a suitable leash, any dog, cat or ferret which does not have attached to it an inoculation tag, as required by Section 3-7A-4 of the 1975 *Code of Alabama*, as last amended. Nothing contained in this Section shall be construed as permitting any such dog, cat or ferret, whether tagged or untagged, to become a nuisance or to run at large upon the premises of any person other than the owner thereof.

(c) Any dog, cat, ferret or other domestic animal found at large on any street, alley, sidewalk, thoroughfare or public place in the Town of Maplesville which does not have attached to it an inoculation tag as referenced above, or otherwise is not under the dominion or control of the owner thereof, is hereby declared to be a public nuisance and it shall be the duty of the animal control officer to take up and impound any such animal. Any such animal so impounded may be redeemed from the pound by the owner thereof within five (5) days of the impoundment thereof, or at any time thereafter before the sale or destruction thereof, by paying the Humane Society of Chilton County a fee of \$25.00 plus the cost of keeping the animal impounded. Every such animal which has remained in the pound for five (5) days or longer which has not been redeemed or retaken by the owner may be disposed of in such manner as the animal control officer might direct in a humane manner. Diseased or injured dogs impounded under this section shall be destroyed by the animal control officer in a humane manner without delay.

(d) Any domestic animal, whether wearing a tag or not, which is found upon the premises of a person other than the owner or the keeper thereof, is subject to impoundment at the discretion of the property owner, however, the Town of Maplesville is not responsible for the capture and impoundment of the same, except as otherwise stated in paragraph (e) of this section.

(e) Upon receiving a complaint, the animal control officer shall have the right for the public health, welfare and safety to enter upon the property of a resident of the Town of Maplesville for the purpose of capturing any animal that has bitten a human being, is considered vicious, rabid or otherwise dangerous. No person shall hinder, molest or interfere with any such officer who is authorized or empowered to perform any such duty under this article.

#### **Section 5 – Non-Domestic Animals Prohibited.**

Except as otherwise provided herein, it shall be unlawful for any person to bring into, receive into, buy, own, possess, exhibit, control, harbor, sell or offer for sale, any non-domestic animal within the corporate limits of the Town without first applying for and obtaining a license from the Town in accordance with the provisions of this Ordinance. Any person who owns or possesses such an animal at the time of the adoption of this Ordinance shall have fourteen (14) days in which to remove the animal from the Town or to apply for and obtain a license as provided for herein, after which time the Town may impound the animal as provided for herein.

#### **Section 6 – Exceptions; License Required.**

(a) The Town may issue a license to own, possess, buy, sell or bring a non-domestic animal into the Town for non-domestic animals brought into the Town only under the following circumstances:

- (1) During exhibitions when under the direct supervision and presence of a person with the appropriate USDA license and in accordance with the requirements of this Ordinance.

- (2) While being transported directly to or from a USDA licensed facility when under the direct supervision and presence of a person with the appropriate USDA license and in accordance with the requirement of this Ordinance.
- (3) While being transported directly to or from a veterinary clinic when under the direct supervision and presence of a person with the appropriate USDA license and in accordance with the requirements of this Ordinance.
- (4) While being held at a veterinary clinic.

(b) An application for a license shall contain the following:

- (1) Name and address of the applicant.
- (2) A description of the method, materials and manner for confirming the non-domestic animal.
- (3) Proof of the applicant's ability to respond in damages for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such non-domestic animal. Proof of ability to respond in damages may be given by filing with the animal control officer a certificate of insurance from an insurance company authorized to do business in the state and acceptable to the Town stating that the applicant is, at the time of the application, insured by a policy of one hundred thousand dollars (\$100,000) combined single limit liability for bodily injury and property damage or by posting with the animal control officer a surety bond conditioned upon payment of such damages. Such certificate of insurance shall provide that no cancellation of the insurance or bond will be made unless fourteen (14) days written notice is first given to the animal control officer.
- (4) If a corporation or other entity, the location of its principal office, and the names and addresses of its officers, directors, trustees, or managing officials or partners.
- (5) A description of the animal or animals including species and the place of origin of the animal or animals.
- (6) The address of the premises where the animal or animals will be kept and exhibited.

- (7) The license application shall be accompanied by a registration form and registration fee as set forth in Section 7 of this Ordinance.

(c) It shall be the duty of any licensee, owner or person in possession of a non-domestic animal to promptly report to the Town of Maplesville Police Department and the Animal Control Officer when any non-domestic animal is found missing.

**Section 7 – Exhibition Requirements.**

- (a) Only Class C licensees who have registered as exhibitors as required by this Ordinance shall be allowed to exhibit non-domestic animals within the Town.
- (b) At least one Class C licensee must be present at all times at each exhibition and in direct physical control of the non-domestic animals being exhibited.
- (c) Except for educational exhibits, public contact with non-domestic animals shall be prevented by a secure enclosure with a secondary perimeter to avoid public contact with the animals.
- (d) During educational exhibits where a secure enclosure is not used, public contact with animals shall be prevented by double leashes and a secondary perimeter. The animals shall be under the control of two handlers, at least one being a Class C licensee.
- (e) Exhibitors must notify the Town five (5) working days prior to any exhibition within the Town. The notice shall be in such a manner as determined by the Animal Control Officer and shall include the date, time and location of each exhibition.
- (f) Prior to the conduct of any exhibition in the Town, exhibitors shall file with the Police Department and the Animal Control Officer copies of USDA permits applicable to these regulations. Upon the request of the Animal Control Officer, prior to, during or following an exhibition, exhibitors shall have available and present to the Town or state health officials copies of health records, vaccination records and ownership records for the animals exhibited.
- (g) Exhibitors shall have a written protocol for first aid and medical attention in the event of an injury caused during exhibitions. Exhibitors shall maintain appropriate first aid equipment and supplies at an exhibition.
- (h) Exhibitors shall maintain liability insurance coverage covering any exhibition in the Town in the amount of at least One Hundred Thousand Dollars (\$100,000) and naming the Town as an additional insured. A copy of the

insurance shall be provided to the Town prior to the exhibition.

**Section 8 – Transportation.**

- (a) Exhibition. Non-domestic animals transported to or from an exhibition in the Town shall be under the direct physical control of a Class C licensee and contained in a secure cage inside an enclosed vehicle so as to prevent accidental or intentional contact with the public.
- (b) Veterinary Clinic. Animals transported to or from a veterinary clinic in the Town shall be under the direct physical control of a person with a USDA license and contained in a secure cage inside an enclosed vehicle so as to prevent accidental or intentional contact with the public

**Section 9 – Registration.**

- (a) Any exhibitor proposing to conduct an exhibition in the Town shall register with the Police Department and Animal Control Officer with such information as reasonably determined by the Animal Control Officer.
- (b) An annual registration fee of Five Hundred Dollars (\$500) shall accompany registration.

**Section 10 – Seizure – Disposition of Non-Domestic Animals.**

In addition to other penalties or remedies provided for herein, the animal control officer may notify the owner or person in possession thereof by citation that the non-domestic animal is being kept or possessed in violation of this Ordinance and may order the animal seized or make such orders as deemed proper. The notice shall state that the owner or person in possession of the non-domestic animal shall be required to appear in Municipal Court to answer for the charges for the violation of this ordinance; provided, however, that the non-domestic animal shall not be released from impoundment prior to such court appearance.

**Section 11 – Dangerous Animals.**

- (a) It shall be unlawful for any person's dangerous animal to inflict bodily injury to any person or other animal. This section shall not apply to an attack by a dog under the control of a law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.
- (b) It shall be unlawful for any person to allow a dangerous animal to run at large in the Town.

(c) As provided for herein, upon finding that an animal is dangerous, the owner or person in possession of a dangerous animal may be ordered to comply with any one or more of the following in addition to any penalty as provided for herein:

- (1) That the owner or person in possession of the dangerous animal provide and maintain a proper enclosure for the dangerous animal provided such enclosure is suitable to prevent the animal from escaping.
- (2) That the owner or person in possession of the dangerous animal post the front and rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property.
- (3) Provide and show proof annually of liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000).
- (4) If the dangerous animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person sixteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal.
- (5) If the animal is a dog, it must have an easily identifiable tag identifying the dog as dangerous affixed to its collar at all times.
- (6) The animal must be up to date on rabies vaccinations.

(d) The animal control officer, after having determined that an animal is dangerous and that the owner has failed to comply with the terms of this ordinance regarding dangerous animal, may proceed in the following manner:

- (1) The owner or person in possession thereof shall be notified by citation that the dangerous animal is being kept or possessed in violation of this Ordinance and may order the animal seized or make such orders as deemed proper. The citation shall state that the owner or person in possession of the dangerous animal shall be required to appear in Municipal Court to answer for the charges for the violation of this ordinance; provided, however, that the dangerous animal shall not be released from impoundment prior to such court appearance.

(e) The Animal Control Officer may immediately seize or cause to be seized any dangerous animal if the owner or person who has possession thereof fails to meet or comply with any requirement or regulation imposed herein or by the Municipal Judge of the Town.

- (f) The dangerous animal may be destroyed if:
  - (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
  - (2) The owner or person in possession of the dangerous animal has demonstrated an inability or unwillingness to control the dangerous animal in order to prevent injury to persons or other animals.

**Section 12 – Authorization.**

(a) The Animal Control Officer shall make such rules and regulations as shall be reasonable and necessary to carry out the provisions of this Ordinance. This shall include the necessary forms, first aid and medical protocols, and informational material necessary for the registration of exhibitors, conduct of exhibitions and enforcement.

(b) The Animal Control Officer shall require the filing of bite reports pertaining to non-domestic animals.

(c) The Animal Control Officer shall be responsible for the enforcement of this Ordinance and is authorized to make such investigation, to issue notices, orders, and directions as are necessary for such enforcement, and shall register exhibitors as herein required.

**Section 13 – Violation – A Misdemeanor.**

Any person who shall be convicted of violation of any of the provisions of this Ordinance or any order issued hereunder shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment for not more than six (6) months or by both fine and imprisonment. Each day that any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense and shall be punishable as a separate violation.

**Section 14 – Nuisance.**

Possession of any animal within the corporate limits of the Town in violation of the provisions of this Ordinance is hereby declared to be a public nuisance and, in addition to any other penalties or remedies for herein, such public nuisance may be abated as provided by applicable law including by issuance of an injunction by a court of competent jurisdiction.

**Section 15 – Administrative Penalty.**

- (a) Notwithstanding any other remedy or procedure set forth in this Ordinance,

any person who is found to have violated any provision of this Ordinance, or any order issued thereunder, may be assessed an administrative penalty, payable to the Town of Maplesville, of not less than \$25.00 per animal. Such penalty may also include the suspension or revocation of the right to conduct future exhibitions by the exhibitor and the suspension or revocation of any license issued hereunder.

(b) In addition to the administrative penalty referenced in paragraph (a) above, any person who willfully, negligently or in violation of the provisions of this Ordinance keeps, possesses or maintains a non-domestic animal or dangerous animal shall be liable for any expenses incurred in searching for, containing, returning or disposing of the animal.

**Section 16 – Stopping an Attack.**

If any police officer or the Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent injury or further injury to the victim.

**Section 17 – Severability.**

It is the intention of the Town Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this Ordinance be declared to be invalid, such invalidity shall not affect the remaining provisions and all other provisions shall remain valid and enforceable.

**Section 18 – Conflicts, Effective Date.**

(a) That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(b) That this Ordinance shall become effective as provided by law after passage, approval and publication.

Read, approved and adopted this the 12<sup>th</sup> day of July, 2011.

TOWN OF MAPLESVILLE, a municipal  
corporation

BY:   
Mayor

ATTEST:

  
Town Clerk