

## Chapter 4 - ANIMALS<sup>(1)</sup>

### Footnotes:

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**State Law reference**— Animals, Code of Ala. 1975, § 3-1-1 et seq.; animals at large, impoundment, municipal stock laws, Code of Ala. 1975, §§ 3-5-14, 11-47-110; municipal regulation of animals, Code of Ala. 1975, § 3-7-13; power of cities to abate nuisances, Code of Ala. 1975, §§ 11-47-117, 11-47-118; municipal powers as to health, sanitation and quarantine, Code of Ala. 1975, § 11-47-130 et seq.; cruelty to animals, Code of Ala. 1975, § 13A-11-14.

### ARTICLE I. - IN GENERAL

#### Sec. 4-1. - Keeping livestock in sanitary condition.

- (a) It shall be unlawful for any person to keep horses and/or cows on any lot inside the city limits, on any lot under two (2) acres in size.
- (b) No owner or proprietor of any stall, stable, or barn who meets requirements of subsection (a) of this section shall allow any place where an animal may be kept or where manure or offal may collect or accumulate to become a public nuisance. The owner or proprietor must remove such manure or offal at least twice in one (1) week.

(Code 1991, § 4-3; Ord. No. 2000-07, § 2, 11-2-1999)

#### Sec. 4-2. - Permitting stable to become offensive.

It shall be unlawful for any person to allow his stable to become offensive to the adjoining inhabitants, or to persons passing along the streets.

(Code 1991, § 4-4; Ord. No. 2000-07, § 2, 11-2-1999)

#### Sec. 4-3. - Feeding pens prohibited.

It shall be unlawful for any person to keep or maintain within the corporate limits of the city any pen, shed or like enclosure in which cattle, sheep or hogs are kept for feeding or fattening.

(Code 1991, § 4-5; Ord. No. 2000-07, § 2, 11-2-1999)

#### Sec. 4-4. - Keeping swine, goats, sheep and rabbits.

- (a) It shall be unlawful for any person to keep, harbor or confine any swine, goats or sheep within the city except in commercial stockyards, slaughterhouses, or veterinary hospitals.
- (b) It shall be unlawful for any person to keep or raise rabbits in hutches or pens within the corporate limits of the city.

(Code 1991, § 4-6; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-5. - Cruelty to animals.

- (a) Prohibited. Any person who fails to provide the necessary sustenance, food, water, proper shelter and shade, being a four-sided structure with a top and bottom, or igloo type structure shall be guilty of an offense. If confined by a chain or other apparatus, it must be tangle free and a minimum of eight (8) feet long.
- (b) Right of animal control officers to take charge of and care for neglected or abused animals; written notice to owner from whom animal taken; lien for expenses for care and keeping of animal.
  - (1) Any duly authorized animal control officer shall have the right to take charge of any animal which is sick or disabled due to neglect or is being cruelly treated or abused and to provide care for such animal until it is deemed to be suitable condition to be returned to its owner or to the person from whose custody such animal was taken.
  - (2) The officer so taking such animal shall, at the time of taking the animal, give written notice to the owner or person from whose custody it was taken.
  - (3) The necessary expenses incurred for the care and keeping of the animal after such notice by the animal control department shall be a lien thereon and, if the animal is not reclaimed within seven (7) days from the giving of such notice, the animal control department may sell the animal to satisfy such lien. If the animal control department determines that the animal cannot be sold, it may cause the animal to be otherwise disposed of.
- (c) Unattended animals in vehicles. It shall be unlawful to leave an animal unattended in a vehicle.

(Code 1991, § 4-7; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-6. - Vicious animals, confinement or restraint required; enclosure requirement, banning of vicious and dangerous dogs or animals from within city limits.

- (a) It shall be unlawful for any owner or other person to maintain or harbor a dangerous or vicious animal or dog within the city limits, unless said animal is securely confined in a chain link kennel large enough for said animal to exercise freely. Such kennel must have a chain link top and be secured by chain and lock. It shall be prima facie evidence of viciousness or danger if such animal or dog displays a willingness to bite, scratch, or attack without provocation.
- (b) The city shall reserve the right to ban or require the owner to move an animal deemed vicious or dangerous outside of the city.

(Code 1991, § 4-10; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-7. - Inoculation against rabies; keeping of poisonous reptiles.

- (a) As used in this section, the term "animal" means all members of the canine family that are at least three (3) months of age, all members of the feline family that are at least three (3) months of age, 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.
- (b) Every owner of an animal shall cause such animal to be inoculated against rabies by the rabies inspector, his authorized representative or any duly licensed veterinarian, when the animal is of proper age for inoculation. All animals shall be inoculated in a calendar year cycle.
- (c) It shall be unlawful to keep, maintain or have for sale, any warmblooded animal in the corporate limits of the city that cannot be vaccinated against rabies, excluding guinea pigs, hamsters, pet rabbits, any mascots housed by a state university, or any animals used for instruction or research by an educational institution or a medical facility.

- (d) It shall be unlawful to keep, maintain, or have for sale, cold-blooded animals that are considered dangerous or venomous including, but not limited to: copperhead snakes, rattlesnakes, water moccasins (cottonmouth), coral snakes. This shall not apply to a person with such cold-blooded animals or creatures who have permits or a legal license to display such for educational purposes.

(Code 1991, § 4-11; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-8. - Noise.

- (a) It shall be unlawful for the owner or other person in charge of any dog to suffer or permit the loud and frequent or continued barking, howling or yelping of such dog, as to annoy and disturb any person or neighborhood.
- (b) No person shall keep any other animal or fowl which shall disturb the comfort or rest of any person in the vicinity with frequent or long-continued noises.

(Code 1991, § 4-12; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-9. - Dead animals.

No person shall permit any dead animal to remain on his premises, nor deposit the same at any place in the city limits. No person shall knowingly permit any dead animals to remain in the street in front of or near his residence, nor fail to report the same to the police.

(Code 1991, § 4-13; Ord. No. 2000-07, § 2, 11-2-1999)

Secs. 4-10—4-30. - Reserved.

## ARTICLE II. - ANIMALS RUNNING AT LARGE

### DIVISION 1. - GENERALLY

Sec. 4-31. - Prohibited.

It shall be unlawful for any hog, sheep, goat, bull, horse, calf, cow or other domestic animal of like kind to run at large within the city.

(Code 1991, § 4-31; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-32. - Impounding.

It shall be the duty of any animal control officer of the city, and the right of any other person to impound any stray animal, including but not limited to a dog, cat, or domestic fowl found at large within the city.

(Code 1991, § 4-32; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-33. - Procedure after impoundment; redemption; redemption costs; sale or destruction of unredeemed dogs, animal or fowl.

- (a) Every animal or fowl impounded as required by this article, with the exception of those which may be immediately destroyed, shall be held no less than seven (7) calendar days. At the end of seven (7) days from being impounded, such animal or fowl shall become the property of the impounding agency.
- (b) Dogs and cats taken up and impounded may be redeemed by the owner only before the time the animal becomes the property of the impounding agency and such owner has paid any and all redemption fees. The city council shall hear and must approve any and all fees for impoundment or taking up, boarding, and inoculation fee. No such dog or cat shall be released until inoculated or such inoculation fee has been paid.
- (c) Subsection (b) of this section shall also apply to 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. However, this section establishes no minimum age for their inoculation.
- (d) All other animals or fowl not humanely destroyed after impoundment may be redeemed upon payment of such catching fee and board bill.
- (e) Any animal or fowl not redeemed may be sold by the impounding authority.
- (f) Any animal or fowl taken up and impounded under the provisions of this article and advertised by posting notice as herein required, if neither redeemed nor sold, as provided herein, may be humanely destroyed.

(Code 1991, § 4-33; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-34. - Releasing impounded animals.

No person shall, without authority, release any animal impounded in accordance with any provision of this article.

(Code 1991, § 4-34; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-35. - Unclaimed animals—Advertising for sale.

If the owner of any animal impounded in accordance with section 4-32 is unknown, or if he is known and fails to claim such animal immediately on notification and pay all lawful charges, the animal control director shall advertise the animal for sale. Such advertisement shall be a notice published once, by posting the notice on the county courthouse bulletin board and by posting notice at the animal shelter, giving a description of the animal, and the time and place of sale.

(Code 1991, § 4-35; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-36. - Same—Sale; impounding and sale fees.

- (a) The sale of impounded animal shall take place not less than five (5) days after publication of the notice provided for in section 4-35.
- (b) The animal control director shall sell such animal to the highest bidder for cash to cover any and all costs of impounding, boarding, and treating such animal.

(Code 1991, § 4-36; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-37. - Animal waste.

The owner of every animal shall be responsible for the removal of any excrete deposited by his animal on public walks, recreation areas, or private property.

(Code 1991, § 4-37; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-38. - Sterilization.

All animals adopted from the local animal shelter must be spayed or neutered unless otherwise determined by a veterinarian to be at risk due to health. Sterilization must be completed within ninety (90) days from date of adoption.

(Code 1991, § 4-38; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-39. - Exhibitor.

Any person, public or private, exhibiting any animal, whether operated for profit or not, must register with the animal control department.

(Code 1991, § 4-39; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-40. - Boarding and breeding.

It shall be unlawful to board or breed canines or felines in zones R-1, R-2, R-3, B-1 and RB.

(Code 1991, § 4-40; Ord. No. 2000-07, § 2, 11-2-1999)

Secs. 4-41—4-55. - Reserved.

DIVISION 2. - FOWL

Sec. 4-56. - Fowl defined.

In this division, the term "fowl" means any large, live domestic birds including but not limited to chickens, guineas, turkeys, homing pigeons, reas, ostrich, and peacocks.

(Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-57. - Prohibited.

It shall be unlawful for any person, within the corporate limits of the city to keep or have in his possession any fowl.

(Code 1991, § 4-56; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-58. - Penalty.

The owner shall be guilty of a misdemeanor.

(Code 1991, § 4-57; Ord. No. 2000-07, § 2, 11-2-1999)

Secs. 4-59—4-75. - Reserved.

ARTICLE III. - DOGS<sup>2</sup>

Footnotes:

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**State Law reference**— Dogs injuring or worrying other animals, Code of Ala. 1975, § 3-1-1 et seq.; liability of owners of dogs biting or injuring persons, Code of Ala. 1975, § 3-6-1 et seq.

Sec. 4-76. - Definitions.

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

Animal control officer means the officer so designated by the animal control director.

Dog means and includes all members of the canine family.

Dog license inspector means the official so designated by the city who possesses police powers conferred on him by the city.

Inoculation against rabies means the injection, in a manner approved by the state health officer and the state veterinarian, of antirabies vaccine approved by the state health officer and the state veterinarian.

Kennel means a place where a dog is kept, housed or maintained and is prevented from leaving the owner's premises and running at large.

Owner means and includes any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who permits a dog to remain on or about any premises occupied by him for a period of five (5) days.

(Code 1991, § 4-76; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-77. - Official animal shelter; area described.

The following described area shall be the official animal shelter of the city:

Parts of lots 1, 2, and 3 in block 407 of W. E. Blair's subdivision of original lots 403 and 407 according to the plat thereof recorded in the office of the judge of probate, Lauderdale County, Alabama, in new plat book 1, page 90, together with the abutting strip of land vacated in the narrowing of Chestnut Street from 80 feet to 60 feet by proceedings recorded in book 711, pages 3760-3771 of aforesaid records; all being more particularly described as beginning at the intersection of the easterly right-of-way line of Chestnut Street with the southerly right-of-way line of College Street; thence easterly along the southerly right-of-way line of College Street a distance of 139.18 feet to an existing fence; thence, with an interior angle to the left 88 degrees 59'10", southeasterly along said existing fence a distance of 82.91 feet; thence, with an interior angle to the left 135 degrees 39'37", southwesterly along said existing fence a distance of 38.93 feet; thence, with an interior angle to the left 137 degrees 11'37", southwesterly along said existing fence a distance of 109.84 feet to the intersection of said fence with the easterly right-of-way line of Chestnut Street; thence with an interior

angle to the left 88 degrees 16'37", northwesterly along the easterly right-of-way line of Chestnut Street 113.50 feet to the point of beginning. Said parcel of property contains 150,026.76 square feet (0.345 ac) more or less.

(Code 1991, § 4-77; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-78. - Tethering.

- (a) No person shall, at any time, fasten, chain, or tie any dog and/or cat or cause such animal to be fastened, chained, or tied to a stationary object while such animal is within the city limits of Florence, Alabama.
- (b) Enclosures for dogs must provide a minimum of one hundred (100) square feet for each dog weighing thirty (30) pounds or more and thirty-six (36) square feet for each dog weighing less than thirty (30) pounds. Neither the length nor the width of any enclosure one hundred (100) square feet or larger may be less than eight (8) feet. Neither the length nor the width of any enclosure smaller than one hundred (100) square feet may be less than six (6) feet.
- (c) Nothing in this section shall be construed to prohibit owners or others walking dogs with a hand held leash.

[\(Ord. No. 2016-1, 10-20-2015\)](#)

Sec. 4-79. - Interference with officer deemed unlawful.

Any animal control officer, city dog license inspector or police officer of the city is authorized to capture and impound any animal as required by this article. It shall be unlawful for any person to interfere with or resist such officer charged with the enforcement of the provisions of this article in the discharge of any act required or permitted hereby.

(Code 1991, § 4-79; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-80. - Running at large.

No person owning or having charge or custody of any dog shall permit the dog to go at large, nor shall such dog be permitted to roam freely upon the streets or public ways of the city. Every person owning or having charge or custody of any dog shall at all times keep such dog confined to the property of such owner or keeper, and shall at all times keep such property in a clean and sanitary manner to meet the approval of the city, county, and state health department. Nothing in this section shall prevent the owner of any dog or person in charge of such dog from having the dog accompany him as long as the dog is on a leash and under complete and effective control.

(Code 1991, § 4-80; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-81. - Impounding of dogs running at large.

Any dog allowed to run at large within the city (not being on a leash or subject to full control by the owner or keeper) shall be taken up and impounded as provided for in section 4-32.

(Code 1991, § 4-81; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-82. - Female dogs in season running at large; impounding; notice to owner; redemption or other disposition.

Female dogs in season shall be put in an enclosed structure out of sight and smell of other dogs until out of season. No female dog in season shall run at large within the city, and, if found running at large, shall be taken up and impounded, and if not wearing an inoculation tag, shall be impounded for a period of seven (7) days, or until out of season, but in no case for less than seven (7) days, during which time the animal control officer or dog license inspector or other person in charge of such dog shall notify the owner, if possible, and such owner or the agent of such owner may redeem the dog, as provided in section 4-33. If such dog has not been redeemed at the expiration of the period stated above, the same shall be dealt with as provided in section 4-33, except that no female dog in season shall be delivered to a purchaser thereof, until out of season.

(Code 1991, § 4-82; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-83. - Trespassing dogs injuring public or private property declared nuisance.

Every dog which trespasses upon and does injury to public property or to the property of another person other than the owner, keeper or harbinger thereof is hereby declared to be a nuisance, and such dog shall be subject to be impounded.

(Code 1991, § 4-83; Ord. No. 2000-07, § 2, 11-2-1999)

Sec. 4-84. - Poisonous substances.

It shall be unlawful for any person to put out or make available upon his premises or another's premises any substance known to be poisonous to dogs or cats. It shall be prima facie evidence that the property owner knowing or unknowing allowed poison to remain on his property when found, and the intent shall be that the substance was to poison or destroy such animals.

(Code 1991, § 4-84; Ord. No. 2000-07, § 2, 11-2-1999)

#### ARTICLE IV. - REGISTRATION<sup>3</sup>

Footnotes:

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**Editor's note**— [Ord. No. 2016-2, adopted Nov. 3, 2015](#), amended Art. IV in its entirety to read as herein set out. Former Art. IV, §§ 4-85—4-87, pertained to licensing, and derived from Ord. No. 2014-2, adopted Nov. 5, 2013.

Sec. 4-85. - Registration required; fee.

- (a) The owner or person in charge of (i) a dog which is more than four (4) months of age and resides in the city and/or (ii) a cat that is frequently outside the residence and on the owner's premises shall annually register the dog and/or cat as to sex, breed, description, name, and address of the owner or person in charge, and name of the dog and/or cat if any. At the time of such registration, such owner



or person in charge shall, upon providing proof of a valid rabies vaccination, obtain a registration certificate for such dog and/or cat and shall pay a registration fee as follows:

Owners under the age of 65:

- (1) Spayed or neutered animal: .....\$10.00;
- (2) Unspayed or unneutered animal: .....\$35.00.

Owners 65 and above:

- (1) Spayed or neutered animal: .....\$2.00;
- (2) Unspayed or unneutered animal: .....\$20.00.

However, when a registration certificate is issued for a dog or cat too young to be sterilized at the time the registration is issued, and the dog or cat is sterilized before the beginning of the next registration year, upon proof of the sterilization, the city may issue a registration certificate at no charge for that registration year.

- (b) An owner or person in charge of (i) a dog which is more than four (4) months of age and resides in the city and/or (ii) a cat that is frequently outside the residence and on the owner's premises, upon providing proof that the animal meets the criteria provided in subsection (a) and also that the animal has been sterilized, may choose to purchase a lifetime registration certificate rather than the annual registration certificate required under subsection (a). The lifetime registration fee shall be as follows:

Owners under the age of 65:

- (1) Spayed or neutered animal: .....\$35.00;
- (2) Unspayed or unneutered animal: .....N/A.

Owners 65 and above:

- (1) Spayed or neutered animal: .....\$7.00;
- (2) Unspayed or unneutered animal: .....N/A.

- (c) Upon the written opinion of a licensed veterinarian that an animal should not be sterilized because of age or health reasons, a waiver may be granted to the spay or neuter requirement for the lower registration fee. In those cases, the fee appearing in subsection (a)(1) above will be charged.
- (d) Any remaining revenue from pet registrations after the expenses of administering the registration program are paid shall be applied to the pet adoption, spay and neuter, and trap, neuter, spay and release programs.

[\(Ord. No. 2016-2, 11-3-2015\)](#)

Sec. 4-86. - Issuance of registration certificate.

- (a) At the time of registration under this article, such owner or person in charge shall obtain a registration certificate for such dog or cat issued by the city and shall be issued a metal tag or decal suitable for affixing to the tag as evidence of such registration, effective for one (1) year from the date of issue or for the life of the animal if a lifetime registration certificate is purchased. The registration certificate must be renewed each year on or before the anniversary date of issue. Each person renewing a registration certificate more than thirty (30) days after the anniversary date shall be charged a ten dollars (\$10.00) late fee. No valid tag or valid decal shall be issued for any dog or cat until such dog or cat has been inoculated against rabies in accordance with state law. The provisions of this section shall not apply to dogs or cats whose owners are nonresidents temporarily within the city for a period not exceeding thirty (30) days.
- (b) Whenever a registered dog or cat is not on the premises of its owner or person in charge, the owner or person in charge shall keep the tag affixed to the dog or cat. It shall be unlawful for any owner or

person in charge to fail to comply fully with all requirements of this section by failing to obtain a registration certificate or otherwise. It shall also be unlawful for any person, except the owner or person in charge, or his agent, except for purposes of grooming, bathing, or medical care, to remove a tag from a dog or cat registered under the provisions of this section. It shall be unlawful for any person to place an unissued tag upon any dog or cat, to procure a tag from the city by fraud or misrepresentation, or to disfigure or alter the words or figures upon a tag. Any person violating the provisions of this chapter may be issued a citation.

[\(Ord. No. 2016-2, 11-3-2015\)](#)

Sec. 4-87. - Exemptions.

The following animals shall be exempt from the pet registration requirements set forth in this chapter:

- (1) Service dogs that assist physically or mentally challenged people including, but not limited to, seeing eye dogs and canine companions for independent living;
- (2) Any working animal used by a law enforcement or public safety agency;
- (3) Any animal in the care and custody of a not-for-profit 501(c)(3) animal welfare organization that requires sterilization before adoption or any animal being fostered by an individual under the direction of such animal welfare organization; and
- (4) Any animal in the care and custody of a government operated or sponsored animal shelter or any animal being fostered by an individual under the direction of such animal shelter.

[\(Ord. No. 2016-2, 11-3-2015\)](#)