

**ORDINANCE NO. 2007- 01**

**AN ORDINANCE TO AMEND ORDINANCES NO. 07-08  
AND 07-11 TO PROVIDE FURTHER FOR THE  
LICENSING OF ANIMALS IN THE CITY OF CULLMAN**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN AS  
FOLLOWS:

**Section 1.** Sections 7 through 10 of Ordinance 07-08, as amended by Ordinance 07-11 are hereby deleted in their entirety and are replaced by the following new Sections 7 through 10 which read as follows:

**“Section 7. License Tag Required”**

On and after the 1<sup>st</sup> day of December and prior to the 1<sup>st</sup> day of January 2008, every owner of a dog or other animal required to be vaccinated for rabies by Alabama law shall obtain a permanent license tag from the City Clerk, which said license tag shall be for the life of the animal. It shall be unlawful for any person to possess, keep, or harbor in the City after the 1<sup>st</sup> day of January of any year any dog or other animal required to be vaccinated for rabies by Alabama law which does not have attached to it a license tag as herein required. Each owner of a dog or other animal required to be vaccinated for rabies by Alabama law which is born and/or which becomes six months of age on or after January 1<sup>st</sup> of 2008 shall be allowed thirty days after the animal becomes six months old in which to obtain the license tag herein required. The provisions of this section shall not apply to dogs or other animals whose owners are non-residents visiting within the City nor to dogs or other animals brought into the City for the purpose of participating in a show nor to “seeing-eye dog” actually being used by blind persons for the purpose of aiding them in going from place to place.

Persons who having acquired a license for their animal in the year 2007 from the City Clerk shall be mailed at the registered address of the 2007 license a permanent tag for said animal to replace the 2007 tag without charge.

Any person who has purchased a tag for an animal from the City Clerk in 2007 who has not received a replacement permanent tag by January 1, 2008, is hereby required to bring the 2007 tag to the City Clerk’s office for a replacement permanent tag. Any person whose animal is without a permanent tag by January 31, 2008, shall

be in violation of this ordinance and subject to fines and penalties as set forth in the Ordinance, as amended.

### **Section 8. Preparation and Description of Tag**

The City Clerk shall cause to be prepared and shall keep on hand for issue an adequate number of license metal tags. Each such tag shall have inscribed thereon the words "Cullman Animal License" or an abbreviation thereof such as "C'man Animal Lic". Each such license tag shall bear a serial number and shall specify by abbreviation or otherwise such information as the Clerk deems advisable. One such tag shall be issued for each animal for which application is made but only when such animal has been vaccinated as required herein. For easier identification, the City Clerk is authorized to procure such metal tags in different shapes and/or colors from year to year as the City Clerk deems advisable.

### **Section 9. Fee for Tag; Certificate and Application**

A. Before any license tag shall be issued for any animal, the applicant shall pay to the City Clerk a license tax or fee as follows:

1. Un-spayed or un-neutered six months of age or older: \$ 20.00
2. Spayed or neutered: 5.00

B. Before any license tag shall be issued for any animal, the applicant shall exhibit to the City Clerk a current valid certificate issued by a person authorized to inoculate animals against rabies pursuant to the laws of the State of Alabama showing that such animal has been duly vaccinated as prescribed and required by State law and if spayed or neutered, proof of same at the time of licensing. The inoculation tag for the current year and each subsequent inoculation shall be attached to the collar of the animal at a place near the City annual license.

C. The applicant must provide:

1. A picture identification of owner issued by a governmental authority if over 16 years of age;
2. Name of the animal;
3. Breed of the animal;
4. Description of the animal;
5. Owner's name;

6. Owner's address and location animal is to be kept if different from owner's address; and
7. Telephone number of owner.

D. A kennel license is required for any owner keeping three or more unaltered animals over six months of age on their premises and may be purchased from the City Clerk for a fee of \$200.00 per year. This fee shall be in addition to the fees for each animal owned.

E. In the event any of the information set out in Section 9C above changes, the owner shall provide to the Clerk within 30 days of such change the new information as it pertains to said owner or new owner with the permanent tag number of the animal.

F. In the event an animal's permanent tag as required herein is lost, stolen, or otherwise destroyed, within 15 days the owner shall purchase from the City Clerk a replacement tag for the sum of \$2.00.

G. In the event of the death of a licensed animal, the owner shall destroy the permanent tag.

H. No tag shall be altered or duplicated, nor shall it be transferred to any other animal.

### **Section 10. Delinquent Licenses**

All licenses herein prescribed in this Ordinance which are due and have not been paid within the time provided shall be delinquent and a delinquent fee of \$5.00 for each 30 days the license is delinquent shall be added to the amount of each license."

**Section 2.** This Ordinance shall be effective immediately upon its adoption and approval as provided by law.

ADOPTED this the 26<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
President of the City Council

ATTEST: /

Russell N. Galin  
City Clerk

Transmitted to the Mayor this the 26<sup>th</sup> day of November, 2007.

Russell N. Galin  
City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of November, 2007.

Donald E. Green  
Mayor

**ORDINANCE NO. 2007- 11**

**AN ORDINANCE TO AMEND ORDINANCE NO. 07-08  
TO PROVIDE FURTHER FOR THE LICENSING OF  
ANIMALS IN THE CITY OF CULLMAN**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN AS FOLLOWS:

**Section 1.** Sections 7 through 10 of Ordinance 07-08 are hereby deleted in their entirety and are replaced by the following new Sections 7 through 10 which read as follows:

**“Section 7. License Tag Required**

On and after the 1<sup>st</sup> day of December and prior to the 1<sup>st</sup> day of January of each year, every owner of a dog or other animal required to be vaccinated for rabies by Alabama law shall obtain a license tag from the City Clerk, which said license tag shall be for a period of January 1<sup>st</sup> through December 31<sup>st</sup> of the year for which it is purchased. It shall be unlawful for any person to possess, keep, or harbor in the City after the 1<sup>st</sup> day of January of any year any dog or other animal required to be vaccinated for rabies by Alabama law which does not have attached to it a license tag as herein required. Provided, however, each owner of a dog or other animal required to be vaccinated for rabies by Alabama law which becomes three months of age on or after January 1<sup>st</sup> of any year shall be allowed thirty days after the animal becomes three months old in which to obtain the license tag herein required. The provisions of this section shall not apply to dogs or other animals whose owners are non-residents visiting within the City nor to dogs or other animals brought into the City for the purpose of participating in a show nor to “seeing-eye dog” actually being used by blind persons for the purpose of aiding them in going from place to place.

**Section 8. Preparation and Description of Tag**

The City Clerk shall cause to be prepared and shall keep on hand for issue an adequate number of license metal tags. Each such tag shall have inscribed thereon the words “Cullman Animal License” or an abbreviation thereof such as “C’man Animal Lic”. Each such license tag shall bear a serial number and shall specify by abbreviation or otherwise the expiration date thereof. One such tag shall be issued for each animal for which application is made but only when such animal has been

vaccinated as required herein. For easier identification, the City Clerk is authorized to procure such metal tags in different shapes and/or colors from year to year as the City Clerk deems advisable.

### **Section 9. Fee for Tag; Certificate**

A. Before any license tag shall be issued for any animal, the applicant shall pay to the City Clerk a license tax or fee as follows:

- |    |   |          |
|----|---|----------|
| 1. | Un-spayed or un-neutered over six months of age:  | \$ 20.00 |
| 2. | Spayed or neutered:                               | 5.00     |
| 3. | Un-spayed or un-neutered under six months of age: | 5.00     |

B. Before any license tag shall be issued for any animal, the applicant shall exhibit to the City Clerk a valid certificate issued by a person authorized to inoculate animals against rabies pursuant to the laws of the State of Alabama showing that such animal has been duly vaccinated as prescribed and required by State law and if spayed or neutered, proof of same at the time of licensing.

C. A kennel license is required for any owner keeping three or more unaltered animals over six months of age on their premises and may be purchased from the City Clerk for a fee of \$200.00 per year. This fee shall be in addition to the fees for each animal owned.

D. Following adoption of Ordinance No. 07-08 and this amendment to said Ordinance, each owner of a dog or other animal subject to the licensing provisions of the Ordinances shall obtain a license tag from the City Clerk which license tag shall be purchased during the month of March 2007 and shall be for the period of April 1, 2007 through December 31, 2007.

E. During 2007 or any subsequent year, the fee or tax shall be prorated as follows:

The fee for a license which becomes due after January 1<sup>st</sup> and prior to June 1<sup>st</sup> shall be for the full amount; for a license which becomes due during the period after June 1<sup>st</sup> to December 31<sup>st</sup> of said year, it shall be for one-half of the annual fee.

## Section 10. Delinquent Licenses

All licenses herein prescribed in this Ordinance which are due and have not been paid within the time provided shall be delinquent and a delinquent fee of \$5.00 for each 30 days the license is delinquent shall be added to the amount of each license."

**Section 2.** This Ordinance shall be effective immediately upon its adoption and approval as provided by law.

ADOPTED this the 12<sup>th</sup> day of February, 2007.

  
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President of the City Council

ATTEST:

  
\_\_\_\_\_  
City Clerk

Transmitted to the Mayor this the 12<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
City Clerk

APPROVED by the Mayor this the 12<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
Mayor

**ORDINANCE NO. 07 - 08**

**AN ORDINANCE OF THE CITY OF CULLMAN  
PERTAINING TO ANIMAL CONTROL**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN  
AS FOLLOWS:**

**Section 1. Definitions**

The following words or phrases, whenever they appear in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

A. Potentially Dangerous Animal is any animal that being:

1. unprovoked, bites a human or domestic animal, either on public or private property, or
2. unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack, or
3. is known to have a propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans or domestic animals on any public or private property.
4. Has been declared potentially dangerous by any Law Enforcement Agency or authority, as provided for in this Ordinance, by either
  - a. the owner being provided written notification of the determination that animal is to be classified as dangerous/vicious and the owner not requesting to appear in municipal court as provided in this Ordinance, or
  - b. the owner being provided written notification of the determination that animal is classified as dangerous/vicious, the owner requesting to



appear in municipal court as provided in this Ordinance, and the municipal court upholding the classification.

B. Dangerous/Vicious Animal - any animal that being:

1. unprovoked, causes a wound to or kills any person or domestic animal without provocation on public or private property, or

2. unprovoked, while off of the owner's property, has injured a person, injured or killed a domestic animal, or

3. unprovoked, attacks any person, or

4. has been declared dangerous/vicious by any Law Enforcement agency or authority, as provided for in this ordinance, by either:

a. the owner being provided written notification of the determination that animal is to be classified as dangerous/vicious and the owner not requesting to appear in municipal court as provided in this Ordinance, or

b. the owner being provided written notification of the determination that animal is classified as dangerous/vicious, the owner requesting to appear in municipal court as provided in this Ordinance, and the municipal court upholding the classification.

C. "Bites" is defined as seizes with teeth so that the skin of the person or animal seized has been nipped or gripped.

D. "Wound" is defined as a physical injury that results in puncture, muscle tear, broken bone, laceration, or permanent disfigurement.

E. "Animal" shall mean and include female, spayed female, male, neutered male animals, including but not limited to dogs (all members of the canine family, including dog hybrids) goats, horses, mules, cattle, swine, asses, cats, livestock, fowl or other mammal, fish, bird, or reptile.

F. "Dog" shall mean and include all members of the canine family three months or more of age.

G. "Owner" shall mean any person, firm, corporation, or person in charge having a right of property in the animal, or who keeps or harbors an animal, or who has an animal in his or her care, or who acts as custodian of the animal, or who permits an animal to remain on or about any premises occupied by him or her.

H. "Person" shall mean and include individuals, firms, partnerships, and associations, the singular shall include the plural and the masculine the feminine.

I. "Law Enforcement Officer" shall mean a certified law enforcement officer or Animal Control Officer.

J. "Provoke" shall mean to incite, anger, irritate, exasperate, assault, abuse, or excite.

K. "Inoculation against rabies" shall mean the injection, subcutaneously or otherwise, as approved by the State Health Officer or the State Veterinarian, of anti-rabies vaccine, approved by the State Health Officer or the State Veterinarian.

L. "At large" shall mean off the premises of the owner and not under the control of the owner or his agent either by leash, cord, chain or otherwise.

M. "City" shall mean the City of Cullman, Alabama and the territory within the City limits thereof.

N. "Slaughter" shall mean the killing or butchering of cattle, sheep, goats, or other livestock for food.

## **Section 2. Animal Control Officer**

A. Every Animal Control Officer shall have the same powers as police officers for animal control purposes and the enforcement of this ordinance, and they shall function under the supervision of the Cullman Police Chief and his assistants in the Cullman Police Department.

B. It shall be unlawful for any person knowingly and willfully to oppose or resist the Animal Control Officer or Law Enforcement Officer in executing or attempting to execute any lawful process or in attempting to make or in making any

lawful arrest or in the discharge of any regular duty, or in any way to interfere with, hinder or prevent any such officer from discharging his duty.

C. When any animal is found by an Animal Control Officer to be in violation of the provisions of the ordinance and the owner of said animal becomes known to an Animal Control Officer or Law Enforcement Officer or duly authorized agent or employee of the City, he may issue a citation to said owner for said violation directing him to appear in municipal court at a time and date stated therein to answer to charges of violations of this ordinance which shall be stated in said citation. It shall be unlawful and a misdemeanor for any person to fail to appear in the municipal court at the time and place stated in a citation issued by an Animal Control Officer, Law Enforcement Officer or duly authorized agent or employee of the City.

### **Section 3. Keeping Potentially Dangerous or Dangerous/Vicious Animals**

It shall be unlawful for any owner to own, keep, harbor, maintain in its care, or permit to remain on his premises any potentially dangerous or dangerous/vicious animal within the city limits of the City of Cullman, Alabama except in compliance with each of the following conditions and specifications:

A. Any potentially dangerous or dangerous/vicious animal shall be securely confined indoors or if kept outdoors, in an area that shall be constructed of materials and design adequate to prevent the animal from digging, climbing, or chewing through making it able to escape the enclosure. Any such pen or structure shall have a bottom, sides, and a secure top. The pen or structure shall be kept in a clean and sanitary condition and provide the animal with adequate space and protection from the elements.

B. The owner of any potentially dangerous or dangerous/vicious animal shall display two (2) signs on his/her property stating "Dangerous Animal on Premises". One of the signs shall be posted at the front of the property and the second sign shall be placed at the rear of the property. Each sign shall be capable of being read from a distance of fifty (50) feet.

C. Any potentially dangerous animal taken off of the property of its owner or person in charge shall be restrained by a substantial chain or leash not to exceed six (6) feet in length and accompanied by a person over the age of 18 years. Dangerous/vicious animals shall meet the same requirement and be muzzled at all

times while away from the owner's or person in charge's property. The muzzle shall be constructed in such a manner that it will prevent the animal from biting any person or animal. The animal shall be kept under the control of the owner or person in charge at all times.

D. The owner shall notify the proper Law Enforcement agency within thirty (30) minutes of becoming aware that a potentially dangerous or dangerous/vicious animal is loose or missing or if such animal has wounded a human being or other animal.

E. Any Law Enforcement officer, Animal Control Officer, or other duly designated agent or employee of the City shall be permitted the right to inspect the enclosure in which any potentially dangerous or dangerous/vicious animals are kept at any time.

F. The Owner shall meet all of the requirements of this Ordinance concerning potentially dangerous or dangerous/vicious animals. If the owner or custodian of an animal is a non-emancipated minor, the custodian, parent, or legal guardian shall be responsible for complying with all requirements of this Ordinance.

G. The owner or custodian of a potentially dangerous animal must obtain and show proof of insurance coverage, the value of at least One Hundred Thousand Dollars (\$100,000.00) liability coverage that covers animal bites or injuries or death caused by an animal or animals.

H. Any Law Enforcement Officer, Animal Control Officer, or other duly designated agent or employee of the City shall have the right to seize and impound the animal if any of the conditions and specifications established by this Ordinance are not being met.

#### **Section 4 Additional Violations**

A. It shall be unlawful for the owner of an animal which has wounded a person or domestic animal to conceal or cause to be concealed such animal from any Law Enforcement Officer, Animal Control Officer, or other duly designated agent or employee of the City.

B. It shall be unlawful for a person to falsify charges due to malicious intent toward the owner of the animal or the animal itself.

C. It shall be unlawful for any person or owner of an animal to interfere with, hinder, molest, prevent, or obstruct a law enforcement officer, animal control officer, or other duly designated agent or employee of the City engaged in the enforcement of this ordinance or in the performance of their duties as set forth in this ordinance.

D. It shall be unlawful for any person knowingly and willfully to oppose or resist the Animal Control Officer, Law Enforcement Officer or duly designated agent or employee of the City in executing or attempting to execute any lawful process or in attempting to make or in making any lawful arrest or in the discharge of any regular duty, or in any way to interfere with, hinder, or prevent any such officer from discharging his duty.

E. Established procedures as specified by the State of Alabama shall be followed in regard to any dangerous/vicious animal that wounds a human.

## **Section 5. Exceptions**

A. No animal shall be declared potentially dangerous or dangerous/vicious if the bite or wound resulted from the bitten or wounded person:

1. assaulting the animal's owner or a person in the immediate vicinity of the animal; or

2. provoking the animal; or

3. having provoked, tormented, or abused the animal at other times;  
or

4. committing a willful trespass or other tort upon the owner's premises with the intent to commit a crime or while committing a crime.

B. This Article shall not be applicable to any animal owned by a Federal, State, or Local Law Enforcement Agency.

C. No animal shall be found to be potentially dangerous or dangerous/vicious based solely on its breed.

## **Section 6. Inoculation Against Rabies Required**

It shall be unlawful for any person to possess, keep or harbor in the City on and after the 1<sup>st</sup> day of September of any year, any dog or other animal required to be inoculated under Chapter 7A of Title 3, *Code of Alabama*, which has not been inoculated against rabies, pursuant to and as is required and proved for by the laws of the State of Alabama, and particularly by Chapter 7A of Title 3 (Section 7A-1, et seq.), *Code of Alabama*, 1975, as amended.

## **Section 7. License Tag Required**

On and after the 1<sup>st</sup> day of September and prior to the 1<sup>st</sup> day of October of each year, every owner of a dog or other animal required to be vaccinated for rabies by Alabama law shall obtain a license tag from the City Clerk, which said license tag shall be for the period of September 1 of the current year through August 31 of the following year. It shall be unlawful for any person to possess, keep or harbor in the City after the 1<sup>st</sup> day of October of any year, any dog other animal required to be vaccinated for rabies by Alabama law which does not have attached to it a license tag as herein required. Provided, however, each owner of a dog or other animal required to be vaccinated for rabies by Alabama law which becomes three months of age on or after September 1<sup>st</sup> of any year shall be allowed thirty days after the animal becomes three months old in which to obtain the license tag herein required. The provisions of this section shall not apply to dogs or other animals whose owners are non-residents, visiting within the City, nor to dogs or other animals brought into the City for the purpose of participating in a show, nor to "seeing-eye dogs" actually being used by blind persons for the purpose of aiding them in going from place to place.

## **Section 8. Preparation and Description of Tag**

The City Clerk shall cause to be prepared and shall keep on hand for issue an adequate number of license metal tags. Each such tag shall have inscribed thereon the words "Cullman Animal License" or an abbreviation thereof such as "C'man

Animal Lic.” Each such license tag shall bear a serial number and shall specify, by abbreviation or otherwise, the expiration date thereof. One such tag shall be issued for each appropriate twelve months period for each animal for which application is made, but only when such animal has been vaccinated as required herein. For easier identification, the City Clerk is authorized to procure such metal tags in different shapes and/or colors from year to year as the Clerk deems advisable.

## **Section 9. Fee for Tag; Certificate**

A. Before any license tag shall be issued for any animal, the applicant shall pay to the City Clerk a license tax or fee as follows:

- |   |         |
|---|---------|
| 1. Un-spayed or un-neutered over six months of age  | \$50.00 |
| 2. Spayed or neutered                               | 10.00   |
| 3. Un-spayed or un-neutered under six months of age | 10.00   |

B. Before any license tag shall be issued for any animal, the applicant shall exhibit to the City Clerk a valid certificate issued by a person authorized to inoculate animals against rabies pursuant to the laws of the State of Alabama showing that such animal has been duly vaccinated as prescribed and required by State Law and if spayed or neutered proof of same at the time of licensing.

C. A kennel license is required for any owner keeping three or more unaltered animals over six months of age on their premises and may be purchased from the City Clerk for a fee of \$200.00 per year. This fee shall be in addition to the fees for each animal owned.

## **Section 10. Delinquent Licenses**

All licenses herein prescribed in this Ordinance which have not been paid within the time provided shall be delinquent and a delinquent fee of \$10.00 for each 30 days the license is delinquent shall be added to the amount of each license.

## **Section 11. Animal to Wear Tag Issued**

It shall be unlawful for any person to permit or allow any animal required to be vaccinated for rabies by Alabama law in his charge or control to wear a license tag issued for a different animal.

## **Section 12. Untagged Animal**

Any animal which is found in the City after the 1<sup>st</sup> day of October of any year which does not have attached to it a current Cullman animal license tag is hereby declared to be a public nuisance and danger and it shall be the duty of the Animal Control Officer or other Law Enforcement Officer to take up and impound in the County pound every such animal. Any such animal, so impounded, may be retaken or redeemed from the pound by the owner thereof within seven days from impoundment or at any time thereafter before sale or destruction of said animal.

## **Section 13 Impounding of Dogs, Duty of Owners**

A. It shall be the duty of every owner of a dog to keep such animal from being “at large” and to keep said animal under effective restraint.

B. It shall be unlawful and a nuisance for the owner of a dog to fail to keep a dog under effective restraint or permit a dog to be “at large”

C. Whenever a dog is found to be running “at large” in or about any street, through fare, place, lot, or premises contrary to the provisions of this ordinance, it shall be the duty of Animal Control Officer(s) or of any person employed by the City for that purpose to take such animal into custody and remove or cause it to be removed to the County pound.

## **Section 14. Noisy Dogs**

A. It shall be unlawful and a nuisance for any owner or other person in charge to keep on a residential lot or premises within the corporate limits of the City any dog or dogs known to said owner or other person in charge to habitually, continuously, or intermittently make or emit sounds or noises of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort, and repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent property.

B. It shall be unlawful and a nuisance for any owner or other person in charge to keep on any tract, lot, or premises within the City any dog or dogs, whether the same be housed or kept in a corral, kennel, building, or otherwise, under such circumstances that the sounds or noises emitted by said dog or dogs are of such



volume and nature as unreasonably to interfere with or disturb the peace, quite, comfort, and repose of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes.

C. Any owner or person in charge violating this section shall be guilty of maintaining a nuisance and, upon convictions, punished as provided for violations of this Ordinance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this Section except upon affidavit made before and warrant issued by a Municipal Judge or Magistrate of the City.

### **Section 15. Other Unlawful Acts**

It shall also be unlawful for the owner or other person in charge of an animal to leave feces of the animal on the property of another person or public property of the City, County or State or to keep an animal within the City of Cullman which:

A. At any time has attacked or bitten unprovoked a person off of the premises of the animal's owner or keeper, or bitten a person lawfully on the premises of the owner.

B. Habitually runs or barks at pedestrians, joggers, teams, or vehicles.

C. Is kept upon the premises of the owner or person harboring said animal under such unsanitary conditions that the maintenance or keeping of said animal creates vile smells to the annoyance of the public in the vicinity.

D. Gets into, overturns, and/or scatters garbage.

E. Damages or destroys gardens, flowers and/or shrubs or otherwise interferes with the welfare of the neighborhood.

### **Section 16. Slaughtering of Animals**

It shall be unlawful for any person to slaughter any livestock within the City limits of Cullman in any zone other than property zoned AG-1.

### **Section 17. Enforcement**

Any Animal Control Officer or Law Enforcement Officer shall be authorized to enforce the provisions of this Ordinance and to make arrests for any violation(s) thereof. When a person is arrested for a violation of the provisions of this Ordinance, the Officer shall take the name and address of said person and any other information required by law and then issue the summons and complaint to the individual. The accused individual shall not be taken into custody upon his written promise to appear in court at the designated time and place as evidenced by his signature. The signing of the summons and complaint shall serve as adequate bond for the accused. If the accused refuses to provide his or her personal written recognizance to appear by signing the summons and complaint, the authorized officer shall place him into custody and bring him before an officer or official authorized to approve bond.

### **Section 18. Violation; Penalty for Violation**

A. Each violation of any provision or requirement of this Ordinance shall constitute an offense against the City of Cullman. No Animal Control Officer or other Law Enforcement Officer under this Ordinance shall enter upon the private property of a citizen of the City without first having probable cause to do so.

B. Any person who violates a provision of this Ordinance shall, upon conviction thereof, be punished by a fine in an amount not to exceed \$500.00 and court costs; imprisonment for a term not to exceed 90 days which may be suspended; or by both a fine and imprisonment.

C. Any person found guilty of violating this Ordinance shall pay all expenses, including shelter, food, veterinary expenses for boarding the seized animal for the protection of the public and any other expenses as may be required for destruction of the animal.

D. Any person found guilty of violating this Ordinance may be ordered to pay restitution to the person who has been harmed or whose property has been harmed by the potentially dangerous or dangerous/vicious animal.

E. Any animal which is found by the appropriate court to be a potentially dangerous or dangerous/vicious animal in violation of the restrictions contained in this Ordinance shall be seized and impounded, to be released upon any conditions of release imposed by the judge.

F. Any animal which is found by the appropriate court to be a potentially dangerous or dangerous/vicious animal that would harm a human being or domestic animal may be ordered to be removed from the municipality.

G. Any animal which is found by the appropriate court to be a potentially dangerous or dangerous/vicious animal that wounds a human being or domestic animal may be ordered destroyed upon the Court's finding that the animal is a continuing threat to public safety.

#### **Section 19. Determination of Potentially Dangerous or Dangerous/Vicious**

A. The Chief of Police or other Law Enforcement Officer, Animal Control Officer, or other duly designated agent or employee of the City shall make the initial determination to classify any animal who acts in violation of the provisions of this ordinance to be a potentially dangerous or dangerous/vicious animal as defined herein.

B. Upon this initial determination being made, the Chief of Police or other Law Enforcement Officer, Animal Control Officer, or other duly designated agent or employee of the City shall provide written notification of said classification to the owner of the animal by either (1) personal service or (2) certified mail.

C. Upon receiving notification pursuant to this Ordinance that an animal has been classified by the Chief of Police or other Law Enforcement Officer, Animal Control Officer, or other duly designated agent or employee of the City to be potentially dangerous or dangerous/vicious, the owner may within seven (7) days of receipt of said notice request to appear in Municipal Court by personally appearing in front of the Municipal Court Clerk and requesting a hearing date to appear in Municipal Court to protest the classification.

D. The Municipal Court, upon a preponderance of the evidence, may find that the animal is either potentially dangerous or a dangerous/vicious animal and impose penalty as provided by this Ordinance. A finding that an animal is not a potentially dangerous or dangerous/vicious animal does not preclude subsequent classification of the animal as a potentially dangerous or dangerous/vicious animal based upon incidences in violation of this Ordinance subsequent to the Court's finding.

E. Upon the owner's failure to appear in Court after requesting said hearing, the Municipal Court may find the animal to be a potentially dangerous or dangerous/vicious animal.

F. Upon the initial determination to classify the animal as potentially dangerous or dangerous/vicious, the Police Department Animal Control Division may impound the animal in the interest of public safety.

G. The impounded animal may be released to its owner upon:

1. the requirements of this Ordinance being met, and the permission of either the Chief of Police or the Officer who impounded the animal; or
2. The removal of the animal from the city limits, and the approval of either the Chief of Police or the Officer who impounded the animal.

H. If the owner requests a court appearance as provided by this Ordinance and the animal was seized and impounded pursuant to the provisions of this Ordinance, the animal classified as potentially dangerous or dangerous/vicious shall, pending said court appearance, either (1) remain in impound in the interest or public safety, or (2) be released to the owner with the permission of either the Chief of Police or the Officer who impounded the animal if the requirements of this Ordinance are being met as determined by the Chief of Police or Officer who impounded the animal or if the animal is removed from the City.

I. This Ordinance shall not be construed to repeal other criminal laws.

J. This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

ADOPTED this the 18<sup>th</sup> day of December, 2006.

  
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President of the City Council

ATTEST:

Lucille N. Galin  
City Clerk

Transmitted to the Mayor this the 18<sup>th</sup> day of December, 2006.

Lucille N. Galin  
City Clerk

APPROVED by the Mayor this the 18<sup>th</sup> day of December, 2006

Donald E. Green  
Mayor