

AN ORDINANCE TO REVISE CHAPTER 7  
OF THE MOBILE CITY CODE

Sponsored by: Ricardo A. Woods

BE IT ORDAINED BY THE CITY COUNCIL OF MOBILE, ALABAMA, as follows:

Chapter 7 of the Mobile City Code is hereby revised so that it now reads in its entirety as follows:

**Article I. In General**

**Sec. 7-1. Definitions**

For the purpose of this chapter, the words and phrases below have the following meanings:

*Animal* – Any nonhuman, animate being which is endowed with the power of voluntary motion including, but not limited to: mammals, reptiles and birds.

*Animal at large* - A stray animal or animal which is off the property of its owner or person in charge and not carried by said person, kept in any effective enclosure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

*Animal Control Officer* - The director, assistant director, and enforcement officers assigned to the Mobile Animal Shelter.

*Cat* – Members of the domesticated feline family.

*Corral* – Any uncovered, enclosed parcel of land where large animals are kept.

*Director* – Director of the Mobile Animal Shelter.

*Dog* – Member of the domesticated canine family.

*Domesticated animal* – An animal which has been trained or has adapted to live with and be of use to humans.

*Fowl* – For the purpose of this chapter, the term means chickens, ducks, geese, turkeys, guineas, quail, pheasants and all other fowl kept as a pet or for ornamental purposes.

*Hoarding* – keeping a higher than usual number of animals as pets without the ability to properly house or care for them, while at the same time denying this inability.

*Keep* – to confine, harbor or allow to remain.

*License* – a permit issued by the City of Mobile required for keeping dogs within the City limits.

*Livestock* – Domesticated animals, such as cattle, horses, sheep, swine, mules, sheep, and goats raised for home use or profit, especially on a farm.

*Mobile Animal Shelter* – The City department charged with implementing this chapter.

*Nuisance* – anything which disturbs the use and enjoyment of one's property or endangers life, health or safety, or is offensive.

*Owner* – For brevity's sake, the term "Owner" shall be construed in this chapter to include the actual owner of the animal or any person in whose charge such animal is being kept, and any responsible adult members of the household where an animal is regularly kept or allowed to remain.

*Person* – Any individual, partnership, company, corporation or other legal entity.

*Pet* – Any domesticated animal kept by a person as a companion and friend.

*Pet Store* – Any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs or puppies. The term excludes the City of Mobile Animal Shelter, the Mobile County Animal Shelter, and a not for profit 501(c)(3) animal welfare organization.

*Pet Trader* - Any person who sells, barter, or exchanges for consideration a dog or puppy. The term excludes the City of Mobile Animal Shelter, the Mobile County Animal Shelter, and a not for profit 501(c)(3) animal welfare organization.

*Poisonous or venomous animal* – Any animal, reptile or other nonhuman living thing which is capable of inflicting injury on humans or other animals by means of a poisonous or venomous injection.

*Poultry* – Domesticated fowl (e.g., ducks, geese, turkeys, chickens, etc.).

*Shelter (out-of-doors)* - A place of protection from danger, for example, bad weather.

*Songbird* – any bird having a musical call.

*Stable* – Structure for housing livestock.

*Under control* – When off the premises of the owner or person in charge, to be under control or restraint, an animal must be carried by such person, caged or kept in the immediate presence of such person and under the person's voice command control.

*Vicious or dangerous animal* –

- (1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domesticated animals. Under this definition, the term "known" includes, but is not limited to, the owner's knowledge.
- (2) Any animal which, because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if not kept in the manner required by this Chapter.

*Wild animal* – an undomesticated animal.

### **Sec. 7-2. Creation of the Mobile Animal Shelter**

(a) There is hereby created within the City the Mobile Animal Shelter, a department of the city charged with administration and enforcement of this Chapter.

(b) The Director of the Shelter shall be appointed by the mayor in the same manner as any department head of the city. The Director shall be the supervisor over the Mobile Animal Shelter and over the employees assigned to the Shelter.

(c) All enforcement officers assigned to the Shelter shall be known as animal control officers (ACOs).

(d) ACOs may have full police powers, provided that the ACO has completed the appropriate training, as required by law. Any provision of this chapter referring to the Director shall also mean and include any authorized employee acting in the director's stead and under his or her supervision.

### **Sec. 7-3. Application in the police jurisdiction**

This chapter shall be enforced within the corporate limits, only, not in the City's police and fire jurisdiction.

### **Sec. 7-4. City declared a bird sanctuary**

The entire area embraced within the corporate limits of the city shall be a bird sanctuary. It shall be unlawful for any person to pursue, injure, capture, kill or destroy a songbird of any kind within the city. This section shall not be construed so as to apply to the Director, ACO, or law enforcement officer when a nuisance exists or when there is a

hazard to health or safety which, in the judgment of the officer, cannot be otherwise remedied.

**Sec. 7-5. Disposition of fees**

All fees (but not fines) collected, as provided for in this chapter, shall be used to fund animal protection activities performed by the Shelter.

**Article II. Duties of Animal Owners**

**Sec. 7-6. Rabies vaccination required for dogs, cats, and ferrets**

(a) An owner of a dog or cat, ferret or other animal requiring rabies vaccination shall have the animal vaccinated for rabies when the animal has reached the age of three months and annually or triannually thereafter at the owner's and veterinarian's discretion. Upon vaccination, the veterinarian shall give the owner a metal tag which may be attached to the animal. If the tag is not attached to the animal, the animal must be in the immediate control of the owner who shall produce proof of vaccination.

(b) Rabies tags shall be serially numbered, bearing the year of the vaccine, and the owner shall also receive a certificate of inoculation bearing the same serial number and year.

(c) Owners shall present rabies certificates to the Shelter when registering the animal for the City's license.

(d) Quarantine required in instance of bite.

(i) Whenever a human being or domesticated animal has been bitten by any dog or cat and the Mobile County Health Department so notifies the Shelter, the Director shall give written notice to the Owner that the animal must be placed in quarantine under the direct supervision of a licensed veterinarian for a period of ten consecutive days after the date of the bite for the purpose of determining whether the animal is infected by rabies. The owner shall quarantine the animal within 24 hours of receipt of notice.

(ii) All quarantine costs shall be at the Owner's expense.

(iii) When, after a reasonable investigation, the Director determines that the animal is unowned, the animal shall be humanely destroyed and submitted for rabies examination to the Alabama Department of Public Health.

(iv) Any owner may relinquish, in writing, the ownership of an animal to the Director for the purpose of humanely destroying the animal to enable immediate testing to be performed on the animal by the department of health.

- (v) It shall be unlawful for the owner of an animal to refuse to comply with the lawful order of the Director given to enforce this section. It shall be unlawful for any owner to sell, give away, transfer to another location or otherwise dispose of any animal in quarantine until it is released from quarantine by a qualified veterinarian or other office duly authorized under state law.

(e) In the event a rabies tag provided for in Section 7-6(a) is lost, a new tag and certificate may be issued by the veterinarian who issued the original tag. The new certificate shall be marked "duplicate" and shall include the new tag number.

#### **Sec. 7-7. City licenses required for all dogs**

(a) The Owner of a dog more than three months old shall purchase from the Shelter either a one-year City license if the dog is vaccinated for rabies annually or a three-year City license if the dog is vaccinated triannually.

(b) At the time of registration, the Owner must provide proof of rabies inoculation.

(c) The License shall be in the form of a metal tag, the shape and color of which shall change yearly.

(d) A city license shall not be required from Owners who are nonresidents, temporarily within the city for a period not exceeding thirty (30) days.

(e) The Owner shall keep the license tag affixed to the animal unless the animal is under restraint, on its own premises, or the owner is in the presence of the animal and shall produce proof of city licensure.

(f) It shall be unlawful for any person to put a license tag upon an animal for which the tag was not issued or to disfigure the words or figures upon a license tag.

(g) Lost tags may be replaced with duplicates, upon application to the Shelter and payment of the posted fee.

#### **Sec. 7-8. Shelter and care of animals**

(a) It shall be unlawful for any Owner to fail to provide food, water, and shelter to an animal.

(b) It shall be unlawful for any Owner to keep or maintain animals indoors or in an outdoor pen or enclosure, in such an unsanitary condition that the lives and health of the animals, or the lives and health of the public or Owner, or the lives and health of other animals, shall be endangered.

(c) Shelters for animals who live out-of-doors shall be at least a three-sided, roofed, adequately drained, well-ventilated, moisture-proof structure, and of suitable size to accommodate the animal and retain body heat, and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease and odor.

**Sec. 7-9. Animals trained to fight**

It shall be unlawful for any person to own, possess, keep or train any animal with the intent that such animal shall engage in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such a fight.

**Sec. 7-10. Duty to restrain animals**

It shall be the duty of every owner, keeper, or person in charge to keep his or her animals on a leash or other effective restraint whether or not the animal is upon or away from the owner's premises.

**Sec. 7-11. Duty to confine animals in heat**

It shall be the duty of every owner to keep his or her animal who is in heat confined to the owner's premises.

**Sec. 7-12. Sheltering of stray or abandoned animals**

(a) Any person finding a stray animal within the city limits may deliver such animal to the Shelter for confinement. The animal shall be cared for in the Shelter for not less than 5 working days. If the animal is not claimed by its rightful owner, the Shelter shall place the animal for adoption or shall transport the animal to an adoption agency, or otherwise dispose of the animal as provided for in this Chapter.

(b) Animals claimed within the 5-day period shall be returned to the rightful Owner after the Owner has provided proof of rabies inoculation and paid all required fees and fines.

(c) Animals not claimed within the 5-day period shall become the property of the Shelter.

**Sec. 7-13. Duty to remove deposited feces**

(a) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the

public; or from private property before the owner leaves the immediate area where the solid waste was deposited.

(b) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal on any sidewalk, public park, alley, or other place open to the public.

#### **Sec. 7-14. Keeping Poultry**

(a) It shall be unlawful for any person to keep or maintain poultry within the city without a permit from the Director.

(b) Chickens must be kept in a chicken house, coop, ark, or yard which must meet requirements, as set by the Director.

#### **Sec. 7-15. Corrals, pens and stables, generally**

Livestock may be maintained in any area of the city zoned for such use. Owners shall provide suitable protective shelter for livestock, as follows:

(a) Minimum area for livestock: The minimum space required for a corral or stable is 12,000 square feet for one animal and an additional 10,000 square feet for each additional animal. Animals must have free and unrestricted access to every portion of this space.

(b) Distance of pens, corrals, stables, enclosures from dwellings: No pen, corral, stables or enclosures for animals shall be located within one hundred fifty feet of a dwelling owned or occupied by a person other than the animal's owner.

(c) Every stable, corral, or lot where livestock are kept shall be thoroughly cleaned. All such structures shall have sufficient light, ventilation, and drainage.

(d) Poultry are exempt from this section. See, instead, Sec. 7-14.

#### **Sec. 7-16. Construction of stables**

All buildings used for stabling horses, mules or cows require a building permit from the City and must be constructed in compliance with Chapter 11 of the City Code.

#### **Sec. 7-17. Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint**

(a) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles and serpents (referred to collectively herein, for the sake of

convenience, as "animals") in their care to prevent such animal from biting, injuring or attacking a person or other animal.

- (1) "Securely confined" means that, while on the Owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the animal to make normal postural movements and to move around and shall also comply with the minimum standards for sanitation provided in this chapter.
- (2) Animals who are wild or poisonous or potentially dangerous or vicious, if transported off the premises of the Owner shall be caged, or leashed and muzzled to prevent the animal from attacking or causing injury to a person or other animal.

#### **Sec. 7-18. Disposal of dead animals**

All dead animals must be properly disposed of within 24 hours after the death. No animal may be dumped on private or public property.

### **Article III. Unlawful conduct and code enforcement**

#### **Sec. 7-19. Abandonment of animals within the City**

(a) It shall be unlawful for any person to knowingly abandon or aid another in knowingly abandoning any animal within the City.

(b) If an Owner or person in charge wishes to deliver an animal to the Shelter for adoption, the Owner may do so, provided that the Owner or person in charge signs a release and pays the posted fee, and the Shelter has space available to properly care for the animal.

#### **Sec. 7-20. Application of the City's zoning code**

It shall be unlawful for any person to keep any animal or fowl in an area of the City not zoned for that animal or fowl. Please see Chapter 64 of this Code for zoning regulations.

#### **Sec. 7-21. Public nuisances**

It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in his or her possession or care from creating a public nuisance. For purposes of this section, an animal is a public nuisance if the animal:



(a) Habitually makes disturbing noises including, but not limited to crowing, barking, yelping, whining, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;

(b) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby creates unreasonable annoyance or discomfort to persons in the close proximity to where the animal is kept; or

(c) Damages property belonging to anyone other than its Owner, including damage to flowers, gardens, and shrubs.

#### **Sec. 7-22. Hoarding**

It shall be unlawful for any person to keep animals as pets in such sufficient numbers that they cannot be properly housed or cared for. Any person convicted of this offense shall be subject to confiscation of the animals in addition to other criminal penalties.

#### **Sec. 7-23. Animals at large**

It shall be unlawful for any person to suffer any animal in his control or possession to go, stray or wander upon the premises of another or upon the public rights of way. An animal is running at large if it is not under control of the Owner, keeper or person in charge and is not:

(a) Confined within a fence, wall, or other enclosure in such a manner so as to effectively prevent the animal from traveling onto public property or the private property of another;

(b) On a leash not more than 10 feet in length, while walking, secured by a collar or harness; or

(c) On a chain or tether not less than ten feet in length and not so heavy as to be dangerous to the animal and not of such a length that it would give the animal access to the private property of others, or a street, highway, road, alley, sidewalk, right of way, or other public place.

#### **Sec. 7-24. Animals, reptiles or serpents known to be dangerous or vicious**

(a) The Director shall have the authority, at the Director's sole discretion, to impound any animal, reptile or serpent (referred to collectively herein, for the sake of convenience, as "animals") whose Owner is criminally charged because the animal is alleged to have bitten, charged or caused other bodily injury to any human or other animal, pending final resolution of those criminal charges.

(b) The Director shall have the authority, at the Director's sole discretion, to impound any animal which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.

(e) No vendor shall offer a dog(s) for sale or gift or other transfer of ownership at or from any pet store or swap meet, unless there is conspicuously displayed at each vendor location a sign which reads as follows:

**ATTENTION**

**No dog shall be sold or given away unless the dog is at least  
9 WEEKS OLD**

**AND**

**the buyer is provided with:**

**the original State of Alabama Small Animal Health Certificate**

**AND**

**a negative fecal examination report by a licensed veterinarian**

**AND**

**a document showing that the dog is micro-chipped**

**City of Mobile Code Section 7-26**

(f) The print on said sign shall not be less than 2 inches in height.

(g) For purpose of this section, a "swap meet" is defined as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter or exchange of new or used merchandise.

(h) Exceptions: This section shall not prohibit the sale, gift, or other transfer of ownership of dogs at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county agencies.

#### **Sec. 7-27. Authority of "Nonsworn" ACOs**

Animal control officers who are not sworn police officers shall have the authority to issue Notices of Violations and Municipal offense tickets for any violation of Chapter

(c) The Owner shall be responsible for all costs related to the impounding of an animal under this provision, regardless of the outcome of the criminal matter.

(d) If the animal impounded under this provision is deemed by a Court of proper jurisdiction to be a continuing danger to the Owner, member of the public or any animal, the Director shall humanely dispose of the animal.

#### **Sec. 7-25. Cruelty**

(a) Adoption of state law. Any person or corporation committing the offense of cruelty to animals within the corporate limits of the city which is declared by law or laws of the state now existing (see Ala. Code 13A-11-14 and Sec. 13A-11-241 (1975)) or hereinafter enacted to be a misdemeanor offense of cruelty to an animal shall be guilty of an offense against the city.

(b) The director of the Mobile Animal Shelter shall serve as agent of the City to protect dogs and cats from cruelty and to prevent such cruelty, pursuant to Ala. Code §13A-11-242 (1975).

#### **Sec. 7-26. Certain sales regulated**

(a) No dog(s) shall be offered for sale, gift or other transfer of ownership on or from any public street, roadway, right-of-way, sidewalk or park.

(b) No dog(s) shall be offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, unless the seller provides the buyer, at the time of sale, with the following:

(1) a signed original State of Alabama Small Animal Health Certificate;

(2) a negative fecal examination report from a licensed, accredited veterinarian which is dated no more than ten (10) days before the date of sale; and,

(3) a microchip registration form.

(c) No dog(s) shall be offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, until the animal has reached the age of nine (9) weeks, as established by information included in the State of Alabama Small Animal Health Certificate.

(d) All dogs offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, must be implanted with an identifying microchip. The microchip number must be provided on the microchip registration form provided to the purchaser or transferee at the time of sale.

7 for which a set fine is published in the City's municipal court magistrate's fine schedule.

**Sec. 7-28. Authority of "Sworn" ACOs**

Animal control officers who are sworn police officers shall have the authority to issue Notices of Violations and Municipal offense tickets for any violation of Chapter 7 for which a set fine is published in the City's municipal court magistrate's fine schedule and the additional authority to issue citations and warrants for violations of Chapter 7 for which penalties must be assessed by a court of proper jurisdiction.

**Sec. 7-29. Authority to impound**

To promote the City's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the City, the Director any ACO, or city police officer is authorized to impound any animal if there is reasonable cause to believe any of the following conditions exist:

- (a) The animal is the subject of an act of cruelty or neglect as prohibited by this chapter and state law;
- (b) The animal is running at large, in violation of this chapter;
- (c) The animal has been abandoned;
- (d) The animal is the subject of a Shelter investigation for viciousness; or
- (e) The animal does not display a valid inoculation tag and the Owner, if identified, does not produce proper inoculation documentation.

**Sec. 7-30. Authority to enter private property**

Any ACO, city police officer or agent of the Shelter is authorized to enter upon private property to impound any animal observed at large and chased to such property or any animal that, in the reasonable discretion of the ACO, police officer or Shelter agent, has been abused or neglected.

**Sec. 7-31. Humane traps and chemical capture methods**

(a) In order to apprehend animals in violation of this Chapter who are otherwise difficult to apprehend, any ACO, city police officer or Shelter agent is authorized to use traps designed to humanely capture such animals by placing the traps on any public property, upon the rights-of-way of any public street or highway, or upon the private property of any person who grants permission.

(b) Any ACO, city police officer, or Shelter agent is hereby authorized to use chemical capture methods to capture animals in violation of this chapter when the use of

humane traps would be ineffective and the animal is diseased or poses a danger to public safety.

**Sec. 7-32. Destruction of certain animals**

(a) The Director is authorized to humanely destroy any stray animal boarded and unclaimed at the Shelter for more than 5 working days, provided that the Shelter has made reasonable efforts to locate the animal's Owner and been unsuccessful and provided that, in the Director's opinion, the animal constitutes a direct and immediate threat to public health, safety or welfare.

(b) The Director is authorized to humanely destroy any animal found unattended on public property when such animal is injured or diseased and past recovery.

(c) The Director is authorized to humanely destroy any wild animal within the city limits which presents a direct and immediate threat to public health, safety or welfare.

(d) The Director is authorized to destroy any animal which has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the Director believes such animal constitutes a direct and immediate threat to public health, safety or welfare.

(e) The Director is to employ the most humane means possible when exercising the authority granted in this section.

**Article IV. Fines and penalties**

**Sec. 7-33. Fines**

It shall be unlawful for any person to violate any provision of this chapter. Any person violating the provisions listed below shall be assessed the following fines, which are to be published in the City's municipal court magistrate's fine schedule.

City Code Section	State Code Section Adopted	Fine*
7-8		\$100
7-9		Court appearance required. Fine of no more than \$500.00 (excluding court costs) or six months in jail
7-22		Court appearance required. Fine of no more than \$500.00 (excluding court costs) or six months in jail
7-24		\$150

7-25	Ala. Code Sec. 13A-111-14, Sec. 13A-11-241 (1975)	Court appearance required. Fine of no more than \$500.00 (excluding court costs) or six months in jail
7-26		\$100
All other violations of Chapter 7		\$25

\*Fine does not include court costs, which are set by the Alabama Office of Courts

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in full force and effect.

This ordinance shall become effective at midnight on April 4, 2015.

Adopted: FEB 24 2015

  
 City Clerk