



***BJC Animal Control Services***

***Policies & Procedures***

---

***Operations Manual***

# Health and Environmental Code City of Birmingham

## ARTICLE A General Provisions

### Sec. 6-1-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- 1) At large. A dog shall be deemed to be at large when it is not under restraint by its owner or a competent person having charge or control of it or when it is not confined within a wall, fence, vehicle or other enclosure in such a manner as to effectively prevent it from escape.
- 2) Dog. All members of the canine family.
- 3) Exposed to rabies. A dog has been exposed to rabies within the meaning of this chapter if it has been bitten by or been exposed to, any animal known to have been infected with rabies.
- 4) Gender. Whenever in this chapter a word is used in the masculine gender, it shall be deemed to mean and include both the masculine and feminine gender.
- 5) Kennel. Any person, group of persons or corporation engaged in the business of breeding, buying, selling or boarding dogs.
- 6) Owner. Any person having a right of property in a dog or who has care of it or acts as its custodian or who keeps it, allows it food and refuge on or about any premises occupied by that person or persons or who harbors it in any manner.
- 7) Rabies control center. Any premises designated by the city or the county health department for the purpose of impounding and caring for animals.
- 8) Rabies control officer. The person or persons employed by the city or the county board of health to assist the supervisor of the rabies control center in the performance of his duties.
- 9) Supervisor, rabies control center. The person employed by the city or the county department of health, to supervise the operation of the rabies control center and to perform other duties as required by the enforcing agency.
- 10) Under restraint. Controlled by a leash, cord, chain or similar means in the hands of the owner or a competent person having charge or control of the dog or tethered in a humane

manner so as to remain upon private premises and in the presence of the owner or any competent person. (Code 1964, Sec. 7-1)

**Sec. 6-1-2 Wild or vicious animals.**

It shall be unlawful for the owner or other person in charge thereof to harbor or keep in the city a wild or vicious animal unless the same is securely confined or bound in such a manner as to prevent that animal from biting or attacking a person or another animal. (Code 1964, Sec. 7-2)

State Law Reference: Code of Ala.. Sec. 3-1-3.

**Sec. 6-1-3 Noisy animals or fowl.**

It shall be unlawful to confine, harbor or keep on a lot, place or premises, any animal or fowl which habitually, continuously or intermittently makes or emits sounds or noises of a volume, nature and extent as to be a public nuisance by reason of being obnoxious or annoying to the ordinary persons in that neighborhood. (Code 1964, Sec. 7-3)

Sec. 6-1-4 Keeping of swine, goats and sheep prohibited; exceptions.

It shall be unlawful for any person to keep, harbor or confine any swine, goats or sheep within the city, except in commercial stockyards or slaughterhouses. (Code 1964, Sec. 7-4)

**Sec. 6-1-5 Sanitation of premises where animals or fowl kept.**

All places and premises in the city where animals or fowl are kept, harbored or confined, shall be kept clean, sanitary and free of obnoxious odors, and shall be maintained in such a manner as will effectually prevent the reproduction or propagation in or about the places or premises of flies. The presence on or about the places or premises of the live larvae of flies under conditions which permit or favor growth or development shall be prima facie evidence of the reproduction or propagation of flies and of the keeping or maintaining of such places or premises used for those purposes in violation of the provisions of this section. (Code 1964, Sec. 7-5)

**Secs. 6-1-6 through 6-1-10 reserved.**

## **ARTICLE B**

### **Dogs**

#### **Sec. 6-1-11 Enforcement of article.**

The provisions of this article are enforceable by the county health officer or his duly authorized representatives, or any sanitary environmental investigator of the city. (Code 1964, Sec. 7-11)

#### **Sec. 6-1-12 Inoculation.**

It shall be unlawful for the owner or any person to possess, keep or harbor in the city any dog over three (3) months of age which has not been inoculated against rabies within the preceding 12 months and tagged as required by sections 3-7-2 and 3-7-4, Title 3, Code of Alabama, Recompiled, 1975.

#### **Sec. 6-1-13 Kennel licenses.**

- a. Every person, group or corporation engaged in the business of buying, selling, boarding or breeding of dogs shall pay an annual kennel license tax of \$25; provided however, that this tax shall not apply to the facilities for board and care of dogs operated by a veterinarian licensed by the state and city.
- b. All kennel licenses shall be issued for one (1) year beginning September 1 of each year. Applications for kennel licenses may be made prior to November 1 of any license year without penalty, but when the application is made after November 1 of the license year, the applicant shall be assessed a penalty of \$10, which amount shall be added and collected with the regular tax; provided however, that if the kennel did not become subject to licensing until after the start of the registration year, then no penalty shall be assessed. The full amount of this kennel license tax and penalty if applicable shall be paid at the time the kennel license is obtained and there shall be no reduction or proration of the amount required because the kennel for which the license is applied for has been or will be operated for less than the license year. (Code 1964, Sec. 7-13)

#### **Sec. 6-1-14 Running at large; prohibited.**

It shall be unlawful for the owner or any person having charge or control of a dog to allow it to be or to run at large. (Code 1964, Sec. 7-14)

#### **Sec. 6-1-15 Same; settlement of charge.**

- a. ~~Any person who has received a notice of violation for allowing a dog owned by him or in his charge or control to be or to run at large, and who has not appeared or executed bond to appear in municipal court to answer that charge, and who desires to waive trial of the~~

~~question of his guilt or innocence of the charge and voluntarily to settle the charge out of court may do so by voluntarily paying the sum of \$10 to a person designated by the director of finance to receive these applications, the person hereafter referred to as "blank" sooner than eight (8) nor later than 14 days after the issuance of the notice of violation. The settlement clerk is authorized to receive the amount in full settlement of the alleged offense and to give receipt therefor on behalf of the director of finance. In the event of such payment, no prosecution for the alleged offense shall thereafter be instituted or maintained in municipal court. Any offender may, in lieu of voluntary settlement as aforesaid, sign and deliver to the settlement clerk a bond in the penal amount of \$25, assuring his appearance to answer the charge in municipal court upon a day certain, with any surety on the bond as the settlement clerk may reasonably require.~~

- ~~b. In the event the alleged offender has received a prior notice of violation for that offense or has been convicted thereof within the preceding 12 months, the fee for the voluntary settlement of that alleged offense shall be \$20.~~
- ~~c. An application to make voluntary settlement, as permitted in subsections (a) or (b) of this section, shall be insufficient to effect the settlement unless received by the settlement clerk prior to the court appearance date shown on the notice of violation. Offenses not settled as provided in this section will be disposed of in the same manner as is any case appearing on the regular municipal court docket.~~
- ~~d. Voluntary settlement shall not be permitted to any person who has received three (3) or more such notices of violation in the next previous 12 month period.~~
- ~~e. Any sum received with an application for voluntary settlement, which fails by virtue of noncompliance with subsections (a), (b) or (c) above, or which is precluded by subsection (d) above, shall be retained by the director of finance pending disposition of the charge by the municipal court. (Code 1964, Sec. 7-14.1)~~

#### **Sec. 6-1-16 Care of tethered dogs.**

It shall be unlawful for any person to tether a dog in an inhumane manner and it shall be unlawful for any person to leave a dog tethered without its owner or a competent person to care for it. (Code 1964, Sec. 7-15)

#### **Sec. 6-1-17 Causing escape, etc., of confined, etc., dog.**

It shall be unlawful for anyone to take a dog from the confinement or restraint of its owner or of the person in charge or control of it or to cause a dog to escape from the confinement or restraint without specific permission therefor from the owner or person in charge or control of the dog. (Code 1964, Sec. 7-16)

#### **Sec. 6-1-18 Impoundment; generally.**

- a. Any dog found running at large may be picked up by a rabies control officer and impounded in the shelter designated as the rabies control center and there confined in a humane manner for a period of not less than three (3) days, and thereafter be disposed of in a humane manner if not claimed by its owner; provided however, when the owner or person in charge of any such dog found at large or running at large is known or made known to the rabies control officer, and that dog is otherwise in compliance with the other requirements of articles B and C of this chapter, the officer may issue a notice of ordinance violation to the owner or person in charge, in lieu of the impoundment. Any sanitary environmental investigator and any duly authorized representative of the county health officer shall be authorized hereby to issue a notice of ordinance violation to the owner or person in charge of a dog found at large or running at large.
- b. After the legal detention period has expired and an impounded dog has not been claimed by its owner, the supervisor of the rabies control center may transfer the title to and give ownership of any dog held in the rabies control center to: (1) the humane society or the Alabama Animal Adoption Society, said society agreeing to provide for the inoculation of said animal to the satisfaction of the supervisor, but not being required to pay any fee; (2) to any person deemed by the supervisor to be a responsible and suitable owner who shall agree to comply with the provisions of this article, including the inoculation and payment of fees herein required. (Code 1964, Sec. 7-17(b), as amended by Ord. No. 79-8, 1/23/79)
- c. Immediately upon the impounding of any dog, the supervisor of the rabies control center shall make every reasonable effort to notify the owner of the dog so impounded and inform the owner of the conditions under which they may regain custody of these dogs. (Code 1964, Sec. 7-17)

**Sec. 6-1-19 Same; redemption generally; sale or disposition of unredeemed dogs.**

- a. The owner shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of fierce, dangerous or vicious dogs, upon compliance with the inoculation requirements of this article and the payment of impoundment and board fees herein required.
- b. Release of dogs by the supervisor of the rabies control center.
  1. No impounded dog over the age of three (3) months shall be released from the rabies control center unless or until the same is inoculated and a proper certificate thereof and tag therefore is presented or obtained as required in this article or the ordinance or regulation of the city, town or county in the state where that dog is to be taken and remain. An owner or other person entitled to possession of an impounded dog who does not have the required inoculation certificate and tag for the dog may elect to have the dog inoculated at the rabies control center by the county public health veterinarian or other health department employees lawfully authorized to do so, upon payment of the fee of

two dollars (\$2.00), prior to September 1 of any calendar year, or three dollars (\$3.00) after September 1 of any calendar year, or any sums as may be hereafter authorized therefor by state law; however, if the owner or person so elects, the rabies control officer may release the dog to the owner or person prior to its inoculation and the issuance of the certificate and tag, but only if the owner or person shall comply with the conditions set out in this subsection. All inoculation fees may be retained by the county health department, and if so retained, shall be applied by it to its rabies inoculation program.

2. The owner or person entitled to possession of an impounded dog over the age of three (3) months may secure its release from impoundment prior to inoculation upon payment of the sum of four dollars (\$4.00), or any sum as may be hereafter authorized therefor by state law, to the supervisor of the rabies control center, or his assistant, for the purpose of obtaining its inoculation against rabies. Whereupon, it shall be the duty of the supervisor or his assistant, to issue a receipt for the money to the owner or person. It shall then be the duty of the owner or person to deliver the dog so released, along with the receipt, to a duly licensed veterinarian of the state for the required vaccination or inoculation within 72 hours after receiving the receipt.
3. It shall be the duty of the supervisor, or his assistant, to furnish a copy of all receipts issued under this subsection promptly to the health department, along with the names and addresses of all persons to whom these receipts have been issued.
4. It shall be the duty of the supervisor of the rabies control center, or his assistant, to promptly turn over all money received as a result of issuing the receipts described in this subsection to the county health department.
5. Any veterinarian who has inoculated a dog pursuant to this subsection and who gives the receipt provided for in that subsection to the county health department, shall be paid the amount shown thereon as having been received by the supervisor, or his assistant, upon the release of the dog.
6. No person shall keep, harbor, confine or possess any dog over three (3) months of age within the city or its police jurisdiction which has not been inoculated within 72 hours of the release from impoundment as provided in this subsection. If a dog released pursuant to this subsection has not been delivered for inoculation as herein provided, that dog shall be again impounded and released only after inoculation at the rabies control center and issuance of the required certificate and tag by a health department employee herein authorized to do so.
7. Any dog impounded under the provisions of this section and not reclaimed by its owner within three (3) days: (i) may be humanely destroyed by the supervisor, or his assistant, or (ii) the supervisor may transfer title to it and give ownership

of it as provided in section 6-1-18(b).

8. The owner of a dog impounded and not redeemed within the detention period provided for in this article shall be responsible for the fees and charges herein required and incurred, whether or not the dog is claimed.
9. In the event any dog is voluntarily left for disposal by its owner, the supervisor of the rabies control center shall have complete authority either to destroy any such dog in a humane manner without holding the same for redemption, or if any such dog is healthy, to give the same to a new owner, upon proper inoculation and payment of all required fees by the new owner. (Code 1964, Sec. 7-18)

**Sec. 6-1-20 Same; fees.**

Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the supervisor of the rabies control center or his assistant the following: (i) board - one dollar (\$ 1.00) per day; (ii) the amount of inoculation fee, if necessary, as provided herein, plus any penalty due; and (iii) impoundment fee - \$10. Provided, that for a second such impoundment within a 12 calendar month period, the impoundment fee shall be \$20, and for a third or subsequent impoundment within that period, \$30. All impoundment, kennel permit and board fees shall be remitted to the city's director of finance. (Code 1964, Sec. 7-19)

**Sec. 6-1-21 Keeping vicious dogs; destruction of animal for humane reasons.**

- a. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog, and not take that dog out of the building or secure enclosure unless the dog is on a leash and is securely muzzled. The owner of the dog shall post a written notice in letters not less than two (2) inches high upon the place of confinement so as to be easily seen warning that a vicious dog is on the premises. It shall be prima facie evidence that a dog is fierce, dangerous or vicious if it fiercely or viciously bites or attacks another animal not on its owner's premises or if it shall bite, attack or fiercely or viciously assault or chase, any person who is not at the time on the owner's premises.
- b. Any dog as is described in the foregoing subsection (a) of this section, found at large, shall be impounded by the rabies control officers in the rabies control center and when in the judgment of a licensed veterinarian and/or the supervisor of the rabies control center, that dog should be destroyed for reasons of public safety or humane reasons, it may not be redeemed. (Code 1964, Sec. 7-20)

State Law Reference: Code of Ala.. Sec. 3-1-3.

**Sees. 6-1-22 through 6-1-30 reserved.**

**ARTICLE C**  
**Rabies Control**

State Law Reference: Code of Ala.. Sec. 3-7-1.

**Sec. 6-1-31 Authority to require quarantine or confinement of animals.**

- a. The county health officer shall have authority to quarantine or require confinement of any or all dogs, or other animals in any part or all of the city for the period of time and in the manner as he may determine whenever he considers a quarantine or confinement necessary for the control of rabies.
- b. Whenever the county health officer, the county quarantine officer or rabies inspector shall receive information that any person has been bitten by a dog, the county health officer, county quarantine officer or rabies inspector shall be required to have the dog confined under the direct care, custody, control and supervision of a licensed veterinarian for a period of 10 days. And it shall be unlawful for any person having knowledge that any person has been bitten by any such dog to refuse to notify promptly one (1) or more of the officers mentioned in this section. It shall be unlawful for the owner of any such dog to refuse to or fail to comply with the written recommendations made by the county health officer, or county quarantine officer or rabies inspector in any particular case. Any expenses incurred in the handling of any dog under this and preceding sections shall be borne by the owner. The veterinarian under whose care a dog has been committed shall report the results of his observation of the dog to the attending physician of the person bitten.
- c. Upon demand made by the health officer, the owner shall forthwith surrender to the health officer or his authorized representative any animal which has bitten a human, or which is suspected as having been exposed to or having rabies, for supervised quarantine; any expense incurred shall be borne by the owner. If adjudged free of rabies, and upon payment of fees set forth in article B, and upon compliance with provisions set forth in that article, the animal may be released to its owner.
- d. It shall be unlawful for any person to keep, harbor or maintain on or about any place or premises in the city, a dog or other animal which is known to have or is reasonably suspected of having rabies, unless the animal is securely confined in such a manner as effectually to prevent contact with or injury to persons or other animals, and any such animal not so confined shall either be destroyed or removed to the rabies control center or other appropriate place by a person designated for that purpose by the city, and there securely confined as aforesaid.
- e. It shall be unlawful for any person to keep, harbor or maintain on or about any place or premises in the city, any animal whatsoever which has been or is reasonably suspected to have been bitten or otherwise injured by or in contact with another animal afflicted with or suspected of being afflicted with rabies in such a manner as to permit or favor transmission of the disease, unless the animal so bitten, injured or in contact shall be securely confined for

not less than six (6) months thereafter.

- f. When an animal under quarantine dies while under observation for rabies, the head of that animal shall be sent to the health department laboratory for pathological examination.
- g. When a laboratory report, either preliminary or final, gives a positive diagnosis of rabies, the health officer may declare a city-wide quarantine or quarantine any part of the city for a period of 30 days, and upon the invoking of this quarantine, no animal shall be permitted to be at large except on a leash and muzzled and accompanied by a responsible person during this period of quarantine. During the quarantine, no animal may be taken or shipped from the city without written permission of the health officer. During the quarantine period, the health officer shall be empowered to provide for a program of mass immunization of dogs by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of health jurisdiction.
- h. No dog, which has been impounded by reason of its being a stray and unclaimed by its owner, may be adopted from the rabies control center during the period of rabies emergency quarantine, except by special authorization of the health officer.
- i. During the period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian and held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.
- j. In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended for an additional six (6) months.
- k. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal that has bitten a human, except as herein provided, nor remove the same from the city limits without written permission from the health officer.
- l. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the health officer.
- m. The health officer shall direct the disposition of any animal found to be infected with rabies.
- n. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made thereof by the health officer. (Code 1964, Sec. 7-21)

### **Sec. 6-1-32 Responsibilities of veterinarians.**

It shall be the duty of every licensed veterinarian to report to the health officer his diagnosis of any animal observed by him as a rabies suspect. (Code 1964, Sec. 7-22)

**Sec. 6-1-33 Exemptions from article.**

- a. The provisions of this article to the contrary notwithstanding, the person or persons in charge or possession of dogs kept in a hospital, clinic or other place operated by a licensed veterinarian for the care and treatment of animals shall not be required to vaccinate any such dogs which are not the property of such person or persons.
- b. The vaccination requirements of this article shall not apply to any dog belonging to a nonresident of the city and kept within the city for not longer than 30 days; provided, that all such dogs shall at all times while in the city be confined within a building, enclosure or vehicle or be under restraint or tethered as required in this chapter. (Code 1964, Sec. 7-23)

**Sec. 6-1-34 Right of entry.**

For the purpose of discharging the duties imposed by this article and to enforce its provisions, any authorized representative of the health officer or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of the certificate of vaccination for the dog. (Code 1964, Sec. 7-24)

**Sec. 6-1-35 Interference with officials prohibited.**

No person shall interfere with, hinder or molest any authorized representative of the health officer in the performance of any duty of that representative or seek to release any animal in the custody of the health officer or his authorized representative, except as herein provided. (Code 1964, Sec. 7-25)

**Sec. 6-1-36 Records required.**

- (a) It shall be the duty of the supervisor of the rabies control center to keep or cause to be kept accurate and detailed records for a period of five (5) years of the impoundment and disposition of all animals coming into his custody.
- (b) It shall be the duty of the supervisor of the rabies control center to keep or cause to be kept accurate records of all animal bite cases reported to him and the investigation of these bites for a period of five (5) years.
- (c) It shall be the duty of the health officer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city, which records shall be open to inspection at reasonable times by those persons responsible for similar records of the city and shall be audited by the city annually in the same manner as other city records are audited. (Code 1964, Sec. 7-26)

SLCS. 6-1-37 through 6-1-50 reserved.

**ARTICLE D**  
**Running at Large Generally**

**State Law Reference: Code of Ala.. Sec. 11-47-110.**

**Sec. 6-1-51 Allowing horses, cows, etc., to run at large; duty of rabies control officer as to animals in violation of section.**

It shall be unlawful for the owner or person in charge of any animal, except dogs and cats, to cause, permit or allow any such animal to be at large upon, or staked out in any manner as to have access to, any of the streets, parks or public places of the city, or to be at large upon any private premises in the city, unless securely confined to the private premises by a fence or other enclosure. It shall be the duty of the rabies control officer to take up and impound any such animal found at large, or staked out in violation of or contrary to the provisions of this section. (Code 1964, Sec. 7-35)

**Sec. 6-1-52 Stray animals may be taken up.**

Any person in the city finding any horse, mare, mule, cow, bull, hog, sheep or calf running at large about his residence, or the residence of which he is in charge, the owner of which is unknown, may take up the animal as an astray. (Code 1964, Sec. 7-36)

**Sec. 6-1-53 Duties of persons taking up stray animals.**

It shall be the duty of every person taking up an astray to notify immediately the rabies control officer, giving the name of the person taking up such astray and his residence address, including street and house number, and a description of the animal so taken up, whether horse, mare, mule, cow, calf, bull or sheep, or whatever that animal may be, and the location where that animal has been placed. It shall thereupon be the duty of the rabies control officer immediately to make demand upon that person at the address given for the possession of the animal, and it shall be the duty of the person in possession of the animal, on demand, to deliver the same to the rabies control officer, and the rabies control officer shall thereupon impound the animal in the shelter designated as the rabies control center. It shall be unlawful for any person in the city to take up any stray animal unless the person shall immediately comply with these provisions. (Code 1964, Sec. 7-37)

**Sec. 6-1-54 Driving animals into city for purpose of impounding.**

It shall be unlawful for any person to drive or bring, or attempt to drive or bring, any horse, mule, goat, sheep, cow or other animal into the city for the purpose of having the same impounded. (Code 1964, Sec. 7-38)

**Sec. 6-1-55 Sale of impounded animals or return to owner.**

Immediately after the impounding of any animal, other than a dog, the rabies control officer shall proceed to sell the same at public outcry to the highest bidder for cash after having given notice of the time and place and terms of sale, together with a brief description of the animal, by one (1) publication in some newspaper of general circulation in the city. If, before the sale, the owner of any animal so taken up and impounded applies for the animal, it shall be delivered to him by the rabies control officer upon payment of two dollars (\$2.00), together with any expenses as may have been incurred in or about the advertising of the sale of the animal and the care and preservation of the same, and also the following feeding fees: For each horse, mule, cow or animal of like kind, seventy-five cents (\$.75) per day; for each hog, sheep, goat or animal of like kind, fifty cents (\$.50) per day. (Code 1964, Sec. 7-39)

**Sec. 6-1-56 Proceeds of sale or redemption.**

The proceeds of all sales and redemptions of impounded animals made as provided in this article shall be paid into the city treasury; but if any surplus of the proceeds of sale remain, after paying the charges and expenses thereof, the same shall be paid to the owner of the animal from the sale of which the proceeds were derived, upon rendition of satisfactory proof of ownership. (Code 1964, Sec. 7-40)

**Sec. 6-1-57 Report of sales; bids by city officers.**

It shall be the duty of the rabies control officer to report to the mayor all animals impounded or sold, with the results of each sale. No officer of the city shall bid at, or be directly or indirectly interested in, the sale of any animal taken up and sold under the provisions of this article. (Code 1964, Sec. 7-41)

**Secs. 6-1-58 through 6-1-70 reserved.**

**ARTICLE E**  
**Cruelty to Animals**

**State Law Reference: Code of Ala.. Sec 3-1-12 et seq.**

**Sec. 6-1-71     **Certain acts of cruelty enumerated.****

No person shall override, overdrive, overload, torture, torment, maim, mutilate, deprive of necessary sustenance or cruelly kill, beat, bruise, wound, cause or procure to be overridden, overdriven, overloaded, driven while overloaded, cruelly beaten, mutilated or cruelly killed, any domestic animal, whether belonging to himself or to another, or, either as owner or otherwise, inflict unnecessary cruelty upon the same, or upon any living creature, or use, work, ride or employ in any manner any bruised, maimed, sick or lame beast of burden or working animal, or fail to provide any domestic animal with proper food, drink or protection from the weather; provided, that this section shall not be construed as prohibiting the dehorning of cattle. (Code 1964, Sec. 7-42)

**Sec. 6-1-72     **Humane societies, etc., authority generally.****

Any officer, agent or member of any society for the prevention of cruelty to animals or .of any humane society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, and it shall be unlawful for any person to interfere with or obstruct any such officer, agent or member in the discharge of his duty. (Code 1964, Sec. 7-43)

**Sec. 6-1-73     **Same; authority to make arrests; impersonation of humane society officer.****

Any officer or agent of any society for the prevention of cruelty to animals or of any humane society shall have power to make arrests for any act of cruelty to animals now or hereafter prohibited by this code or any other ordinance of the city. It shall be unlawful for any person to falsely personate any officer, agent or member of any such society. (Code 1964, Sec. 7-44)

**Secs. 6-1-74 through 6-1-80 reserved.**

**ARTICLE F**  
**Dead Animals**

**State Law Reference: Burying or burning dead animals. Code of Ala.. Sec. 3-1-28.**

**Sec. 6-1-81     Deposit on streets.**

It shall be unlawful for any person to cast, throw, drop or otherwise deposit any dead animal or fowl in or upon any street, sidewalk, park or other public place in the city. (Code 1964, Sec. 7-45)

**Sec. 6-1-82     Removal by city; required.**

It shall be unlawful for any person, other than the city, to remove any dead horse, mare, colt, bull, cow, calf, hog, goat, dog or cat from any public street or alley or from any private premises in the city, but it shall be the duty of the person in charge or control of any premises in the city upon which any dead animal lies or remains to promptly notify the superintendent of streets and sanitation of the presence thereon of any dead animal, whereupon it shall be the duty of the superintendent to promptly cause the removal of the animal, at the expense of the owner of the animal, if the animal is removed from a street, alley or other public place, and at the expense of the owner or person in charge or control of the premises from which the animal was removed, if removed from private premises. (Code 1964, Sec. 7-46)

**Sec. 6-1-83     Same; fees.**

At the time of or prior to, and for, the removal of any dead hog, dog, goat, calf or colt pursuant to section 6-1-82, there shall be paid to the city a fee of two dollars (\$2.00), and at the time of or prior to, and for, the removal of any dead horse, mare, bull, cow or other large animal, there shall be paid to the city a fee of four dollars (\$4.00). It shall be unlawful for any person liable for the expense of the removal to fail or refuse to pay these fees. (Code 1964, Sec. 7-47)  
Sees. 6-1-84 through 6-1-90 reserved.

**ARTICLE G**  
**Corrals, Pens and Stables**

**Sec. 6-1-91 Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- 1) Animal. Any animal of the equine, bovine, sheep, goat or swine species or type.
- 2) Corral. Any uncovered, enclosed parcel of land where animals are kept.
- 3) Keeping. This term shall include harboring or confining.
- 4) Stable. Any building, structure or shed in which animals are kept. (Code 1964, Sec. 7-48)

**Sec. 6-1-92 Watertight floors; connecting with sanitary sewer.**

It shall be unlawful for any person to keep any animal in any stable, building, structure or shed unless that stable, building, structure or shed is provided with a concrete floor or other impervious material constructed so as to readily drain to suitable outlets connected to a sanitary sewer, or septic tank when the nearest sanitary sewer is greater than 200 feet distant from the enclosure. (Code 1964, Sec. 7-49)

**Sec. 6-1-93 Minimum area of corrals; in commercial or industrial districts.**

It shall be unlawful for any person to keep any animal in any corral in a commercial or industrial district, as established by the zoning ordinance, unless the corral shall have a minimum area of 1,000 square feet for one (1) animal and 200 square feet for each additional animal kept there. (Code 1964, Sec. 7-50)

**Sec. 6-1-94 Same; outside commercial or industrial districts.**

It shall be unlawful for any person to keep any animal in any corral outside a commercial or industrial district, as established by the zoning ordinance, unless that corral shall have a minimum area of 2,500 square feet for one (1) such animal, and 1,000 square feet for each additional animal kept there, to every portion of which the animal shall have free and unrestricted access. (Code 1964, Sec. 7-51)

**Sec. 6-1-95 Floors and appliances to be cleaned.**

The base or floor of every stable or building in which any animal is kept together with all appliances used in connection therewith shall be cleaned at

least once each day by the removal of manure and other material soiled by manure, and by washing. (Code 1964, Sec. 7-52)

**Sec. 6-1-96 Disposal of manure, straw, etc.**

All accumulations of manure and material soiled by excreta in and about every stable, corral or pen where any animal is kept shall be collected at least once each day and immediately deposited in substantial fly proof containers. All these collections may be kept stored in substantial fly proof containers for a continuous period of two (2) weeks from date of collection. Sawdust, shavings, straw and other material used as animal bedding and unsoiled by excreta shall be collected at least once each week and deposited and stored as provided in this section. In lieu of storage, as herein provided, manure and other material, when collected in accordance with the provisions, hereof, being free of live fly larvae, may be disposed of, within 24 hours from time of collection, by burial at least six (6) inches underground or by spreading the same thinly upon the surface of the ground at some place distant from human habitation or any place where animals are kept, so that these collections shall be and remain fully exposed to sunshine. (Code 1964, Sec. 7-53)

**Sec. 6-1-97 Distance of corrals from dwellings, etc.**

It shall be unlawful for any person to keep any animal of the equine or bovine species or type in any corral in the city, any part of which is within 100 feet of a dwelling, school, church, hospital, public building, public park, public playground or public thoroughfare. (Code 1964, Sec. 7-54)

**Sec. 6-1-98 Distance of stables from dwellings, etc.**

It shall be unlawful to keep any animal of the equine or bovine species or type in any stable, building, structure or shed in the city, any part of which is within 100 feet of a dwelling, school, church, hospital, public building, public park, public playground or public thoroughfare. (Code 1964, Sec. 7-55)

**Sees. 6-1-99 through 6-1-110 reserved.**

Recommended by : Richard Arrington, Jr.  
Mayor; and Finance Committee  
Submitted by : Rowena Teague  
Law Department

**ORDINANCE NO. 92-205**

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 1, ARTICLE B, "DOGS," SECTION 6-1-19, "SAME; REDEMPTION GENERALLY, SALE OR DISPOSITION OF UNREDEEMED DOGS," SUBSECTION (b) OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, TO COMPLY WITH STATE CHARGES FOR RABIES INOCULATION AND TO REPEAL CERTAIN REDEMPTION PROVISIONS.

BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that Title 6, Chapter 1, Article B, "Dogs," Section 6-1-19, "Same; redemption generally; sale or disposition of unredeemed dogs," subsection (b) of the General Code of the City of Birmingham, 1980, be and hereby is amended to read as follows:

"Sec. 6-1-19. Same; redemption generally; sale or disposition of unredeemed Dogs.

(b) Release of dogs by the supervisor of the rabies control center.

- 1) No impounded dog over the age of three (3) months shall be released from the rabies control center unless or until the same is inoculated and a proper certificate thereof and tag therefor is presented or obtained as required in this article or the ordinance or regulation of the city, town or county in the state where that dog is to be taken and remain. An owner or other person entitled to possession of an impounded dog who does not have the required inoculation certificate and tag for the dog shall have the dog inoculated at the rabies control center by the county public health veterinarian or other health department employees lawfully authorized to so, upon payment of the fee or any sums as may be authorized therefor by state lev;. All inoculation fees may be retained by the county health department, and if so retained, shall be applied by it to its rabies inoculation program.
- 2) It shall be the duty of the supervisor, or his assistant, to furnish a copy of all receipts issued under this subsection promptly to the health department along with the names and addresses of all persons to whom these receipts have been issued.
- 3) It shall be the duty of the supervisor of the rabies control center, or his assistant, to promptly turn over all money received as a result of issuing the receipts described in this subsection to the county health department.

- 4) Any dog impounded under the provisions of this section and not reclaimed by its owner within three (3) days: (i) may be humanely destroyed by the supervisor, or his assistant, or (ii) the supervisor may transfer title to it and give ownership of it as provided in section 6-1-18(b).
- 5) The owner of a dog impounded and not redeemed within the detention period provided for-in this article shall be responsible for the fees and charges herein required and incurred, whether or not the dog is claimed.
- 6) In the event any dog is voluntarily left for disposal by its owner, the supervisor of the rabies control center shall have complete authority either to destroy any such dog in a humane manner without holding the same for redemption, or if any such dog is healthy, to give the same to a new owner, upon proper inoculation and payment of all required fees by the new owner."

Recommended by : Richard Arrington, Jr  
Mayor; and Finance Committee  
Submitted by : Rowena Teague  
Law Department

**ORDINANCE NO. 92-206**

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 1, ARTICLE B, "DOGS," SECTION 6-1-20, "SAME; FEES," OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, TO INCREASE THE BOARD AND IMPOUNDMENT FEES.

BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that Title 6, Chapter 1, Article B, "Dogs," Section 6-1-20, "Same; fees," of the General Code of the City of Birmingham, 1980, be and hereby is amended, to read as follows:

"Sec. 6-1-20. Same; fees.

Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the supervisor of the rabies control center or his assistant the following: (i) board - five dollars (\$5.00) per day; (ii) the amount of inoculation fee, if necessary, as provided herein, plus any penalty due; and (iii) impoundment fee - \$20. Provided, that for a second such impoundment within a 12 calendar month period, the impoundment fee shall be \$30, and for a third or subsequent impoundment within that period, \$40. All impoundment, kennel permit and board fees shall be remitted to the city's director of finance."

Recommended by : Richard Arrington, Jr.  
Mayor; and Finance Committee  
Submitted by : Rowena Teague  
Law Department

**ORDINANCE NO. 92-207**

AN ORDINANCE TO AMEND IN FULL SECTION 6-1-13, "KENNEL LICENSES," OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, TO PROHIBIT THE OPERATION OF A KENNEL WITHOUT FIRST OBTAINING A BUSINESS LICENSE.

BE IT ORDAINED by the Council of the City of Birmingham that Section 6-1-13, "Kennel Licenses," of the General Code of the City of Birmingham, 1980, be and hereby is amended to read in full as follows:

"Sec. 6-1-13. Kennel licenses.

No person, group or corporation shall engage in the business of buying, selling, boarding or breeding dogs unless a business license for the current license year shall have first been issued therefor by the director of finance."

Recommended by : Richard Arrington, Jr.  
Mayor; and Finance Committee  
Submitted by : Rowena Teague  
Law Department

**ORDINANCE NO. 92-208**

AN ORDINANCE TO REPEAL SECTION 6-1-15, "SAME; SETTLEMENT OF CHARGE," OF TITLE 6, CHAPTER 1, ARTICLE B, "DOGS, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980.

BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that Title 6, Chapter 1, Article B, "Dogs," Section 6-1-15, "Same; Settlement of charge," of the General Code of the City of Birmingham, 1980, be and hereby is repealed.