

Ordinance No. 02082021-311

An Ordinance Amending Chapter 4, Article II (Animal Control) of the Municipal Code of Montevallo

Whereas, the City of Montevallo desires, to the greatest extent practicable, to do everything it can to protect the health and welfare of animals within its city limits; and

Whereas, a group of concerned citizens has conducted public forums, solicited public and city staff input regarding possible changes to our codes; and

Whereas, they have recommended certain amendments to our code, which would greatly, improve our ability to protect the health and welfare of animals living within our community.

NOW, THEREFORE, BE IT ORDAINED as follows:

1) Chapter 4-ANIMALS, ARTICLE II-ANIMAL CONTROL, Sec. 4-27. -Penalties shall be amended to read as follows:

- a. Any person found guilty of non-compliance or violation of the ordinance set forth in sections 4-21 to 4-41 of this document shall be liable for any and all costs incurred in the apprehension, detention, kenneling and medical treatment of any dog whose owner is in violation and shall be fined \$50.00 plus any costs for the first offense; \$100.00 plus any applicable costs for the second offense \$200.00 plus any applicable costs for third offense and may be jailed at the discretion of the municipal judge up to the limits of municipal jurisdiction for fourth and subsequent offense.

2) Chapter 4 -ANIMALS, ARTICLE II -ANIMAL CONTROL, Sections 29, 30 and 31 shall be added as follows:

Sec. 4.29. - Duty to provide for animal health.

It is the intent of this ordinance to keep animals and citizens safe and happy. Our goal is to educate animal owners on best practices to ensure the health and wellbeing of their pets. We consider rehoming animals to be a last resort, only used if attempts to improve the animal's living conditions have failed.

- 1) It shall be the duty of any animal guardian or owner of property where the animal is contained to provide adequate clean, fresh potable water available to the animal continuously, which is of adequate amount for the animal's size, age, breed, health, and environment in which the animal is kept, to prevent overheating or dehydration.
- 2) It shall be the duty of any animal guardian or owner of property where the animal is contained to provide adequate fresh food in amounts sufficient to maintain adequate levels of nutrition suitable to the health of the animal based on size, age, health, and physical condition.

Sec. 4.30. - Duty to properly restrain dogs on private and commercial property.

- 1) It shall be acknowledged as the responsibility of every dog owner or owner of premises where the dog is housed to keep the animal within effective, humane, and hygienic restraint. It shall be unlawful for a person responsible for any dog to fail to maintain a dog under proper restraint as outlined in the following order. Failure to provide or maintain effective restraint shall be deemed unlawful.
- 2) It shall always be the duty of every person having custody or control of a dog to physically restrain the dog when left unattended outdoors. The dog should be restrained such as to prevent the dog from leaving the premises of its owner or coming in contact with the public unsupervised.
- 3) Proper restraint will be defined as confinement within a fenced enclosure with adequate space for ease of movement and adequate exercise based on the animal's breed, age, size, health, coat, and medical condition. Enclosure must be made of fencing meant for containing an animal (i.e., chain link, wood, or similar material). Fencing must be of sufficient height to prevent animals from escaping.
- 4) An animal that can bite or snap through fencing shall not be considered properly enclosed.
- 5) Multiple dogs that fight each other shall not be kept together in the same enclosure at any time, for any length of time.
- 6) Dogs may be restrained by means of a trolley system attached to a pulley on a cable provided the following requirements are met:
 - a. Trolley restraint shall be affixed in a manner that allows the dog free movement along the trolley, prevents the dog from becoming entangled, wrapped around any object and does not allow the leash to be shortened to allow for injury, strangling or restricting access to food, water and shelter.
 - b. The trolley restraint shall be of proper weight for the dog and shall be affixed to a properly fitted harness or collar with a swivel attachment. The harness must be made of a suitable material other than metal or chain and shall not cause damage or injury to the dog's skin. Choke collars, pinch collars, and chains collars shall be deemed unlawful type restraint for tethering a dog to a trolley system.
 - c. Only one dog shall be tethered to one trolley system.
 - d. There shall be a swivel attachment on both ends of the attachment to help prevent tangling of the tether.
 - e. The size and weight shall be of adequate size to restrain the dog but shall not be of excessive weight as determined by Montevallo Animal Control Officer considering the size, age, strength, and health of the dog.
- 7) The length of the tether from the cable to the dog's harness shall allow access to reasonable exercise and shall always allow continuous access to clean potable water, adequate food, and suitable shelter.

- 8) The length of the cable tether shall be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from entangling in or extending over an object or edge that could cause injury to the dog.
- 9) A dog may not be left on a tether more than twelve consecutive hours or overnight.
 - (a) Dogs may be tethered to a stationary object only if conditions (1) - (8) are met:
 - (1) A tether shall be equipped with a swivel on both ends.
 - (2) A tether shall be a minimum of ten feet in length and shall be made of either metal chain or coated steel cable.
 - (3) Tethers shall be attached to a buckle-type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars.
 - (4) The weight of the tether shall not exceed ten percent of the total body weight of the dog but shall be of sufficient strength to prevent breakage.
 - (5) The tether by design and placement shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation, or other injury. The tether shall allow the dog access to adequate food, water, and shelter.
 - (6) Only one dog shall be attached to a single tether.
 - (7) An animal control officer may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety, or welfare of a dog.
 - (8) Exemptions. Citizens residing in townhomes, apartments, condos or similar multi- family housing units with lot sizes insufficient to meet the length and property line requirements specified in subsection (2) above, may only tether dogs for temporary exercise and relief.

Sec. 4-31. - Duty to provide adequate shelter.

- (a) Any animal that is habitually kept outside or repeatedly left outside unattended shall be provided with structurally sound, moisture proof, windproof shelter large enough to keep the dog reasonably clean and dry. A shelter which does not adequately protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation and drainage shall not comply with this section. Adequate protection from temperature extremes shall be determined by Montevallo Animal Control officer and shall be determined based on breed, age, size, health, coat condition and medical condition of the animal.
 - (b) The shelter shall be large enough for the animal to enter, stand, sit, lie down, and turn around in a normal manner.
 - (c) Area immediately surrounding shelter shall be maintained in a manner to remain clean, free of excessive excrement, and have drainage adequate to maintain a dry floor and inside.
- 1) Sections 4-32-4-59 shall be Reserved.

ADOPTED AND APPROVED by the City of Montevallo this the __ day of February 2021.

Rusty Nix, Mayor

ATTEST:

Steve Gilbert, City Clerk