

ORDINANCE NO. 520

An ordinance to Amend Section 10 of the Satsuma Code (on Animals)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA, AS FOLLOWS:

Section 10 of the Satsuma Code (on Animals), last amended February 18, 1997 by Ordinance No. 377, is hereby amended to read in full as follows:

ARTICLE I GENERAL PROVISIONS

Sec. 10-1. Definitions.

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

- 1) *At large* means off the premises of the owner, and not under the control of the owner by a leash, chain, cord or other physical device.
- 2) *Cat* means all members of the feline family, three months or more of age.
- 3) *Chicken house* means any building, other than a regular market, in which live chickens are kept.
- 4) *Chicken yard* means any yard, premises or pen where chickens are kept.
- 5) *City* shall mean the City of Satsuma, Alabama.
- 6) *Commercial area* means any area designated by the zoning ordinance as an M-1 district.
- 7) *Coop* means a building/structure where fowl are kept at night.
- 8) *Dog* means and includes all members of the canine family, three months or more of age.
- 9) *Fowl* means any bird that is barnyard, domesticated, or wild, including but not limited to, cocks, hens, turkeys, goose, guinea fowl, peacocks, ducks, chickens, and roosters.
- 10) *Immunization against rabies* shall have the meaning ascribed to it in Code of Ala. 1975, § 3-7A-1, as may be amended from time to time.

- 11) *Keep* and *kept*, when applied to chickens, mean the presence of live chickens in a particular building or yard for more than two days within any calendar week.
- 12) *Nest box* means a semi-enclosed container where the fowl will lay their eggs.
- 13) *Owner* means any person having a right of property in an animal, or who keeps or harbors the animal, or who has such animal in his care, or acts as such animal's custodian, or who permits such animal to remain on or about any premises occupied by such person.
- 14) *Pen/Run* means an enclosed area where fowl reside during daylight hours.
- 15) *Person* shall have the meaning ascribed to it in Code of Ala. 1975, § 3-7A-1, as may be amended from time to time.
- 16) *Quarantine for observation* shall have the meaning ascribed to it in Code of Ala. 1975, § 3-7A-1, as may be amended from time to time.
- 17) *Residential area* means any area designated by the zoning ordinance as an R-1, R-2 or R-3 district.
- 18) *Tractor* means a coop and pen/run built together with two or more wheels to allow portability and ease of movement from one grassy area to another.

Sec. 10-2. Animal odors.

- (a) Every pen, stable, shed, or lot where an animal is kept shall be thoroughly cleaned at least often enough to keep such pen, stable, shed, or lot from omitting any offensive odors from the premises on which it is located.
- (b) It shall be unlawful for any person to keep any animal in any part of the city in such a manner as to cause the emission of offensive odors from the premises on which such animal is kept, which interferes with the comfort of persons residing in the vicinity.

Sec. 10-3. Noisy animals.

It shall be unlawful for any person to keep any animal which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person residing in the vicinity.

Sec. 10-4. 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 the penalties identified in Section 10-8 of this ordinance.

Sec. 10-5. 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:

- 1) an animal is a public nuisance if the animal 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;
- 2) an animal is a public nuisance if the animal 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;
- 3) an animal is a public nuisance if the animal damages property belonging to anyone other than its owner, including damage to flowers, gardens, and shrubs; or
- 4) animals are a public nuisance if the person keeps animals as pets in sufficient numbers causing an unreasonable annoyance or discomfort to others in close proximity to the premises where the animals are kept.

Sec. 10-6. Cruelty.

- (a) It shall be unlawful to commit the offense of cruelty to animals, as that offense is declared and/or defined by law or laws of the state now existing (see Ala. Code § 13A-11-14 and § 13A-11-241 (1975)) or hereinafter enacted.
- (b) The Animal Control Officer 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. 10-7 Authority to enter private property.

Any Animal Control Officer, city police officer, or agent of the City 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 Animal Control Officer, police officer or shelter agent, has been abused or neglected.

Sec. 10-8. Penalties.

Any person found guilty of violating any of any provisions of this ordinance shall be punished as set forth in Section 1-14 of the Code of Ordinances for the city.

Sec. 10-9. Continuing offenses.

In all cases, the person whose duty it is to abate any nuisance shall be liable for separate and distinct offenses for each day the nuisance is allowed to remain after it has become his or her duty, by notice of the City Inspector, to abate such nuisance.

Sec. 10-10. Conflicting Provisions.

All city code sections and ordinances or parts of city code sections and ordinances in conflict with the provisions of this ordinance, insofar as they conflict, are hereby repealed.

Sec. 10-11. Force and Effect.

This ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Sec. 10-12 through Sec. 10-19 shall remain reserved.

**ARTICLE II
FOWL**

Sec. 10-20. Keeping of fowl; permit required; quantity restricted.

In those zone districts where the keeping of farm animals is not otherwise allowed, and those zone districts that have not been designated as historic, the keeping of fowl shall be permitted subject to the following requirements and subject to all other applicable provisions of this ordinance:

- 1) Any person keeping fowl pursuant to these provisions must first have been issued a permit by the Code Inspector and must have received such information or training pertaining to the keeping of fowl as said agency deems appropriate;
- 2) The permit application requires a one-time payment of a twenty-five dollar (\$25.00) fee, to be received and processed by the Code Inspector;

- 3) The Code Inspector reserves the right to deny or revoke any permit for keeping fowl on any property where special circumstances render said property unfit for accommodating fowl without creating a public nuisance;
- 4) The keeping of male fowl is prohibited; only hens shall be permitted, and all references herein to fowl shall mean hens only;
- 5) Up to six (6) hens may be kept; and
- 6) If a lot has more than one (1) dwelling unit, all adult residents and the owners of the lot must consent in writing to allowing the fowl on the property.

Sec. 10-21. Housing requirements; feed and water.

- (a) Fowl shall not be allowed to range freely, but must be kept within a dwelling consisting of a coop, nest box, and pen/run conforming to the requirements of this section.
- (b) If there is no constructed floor in a coop, then some type of material (e.g., dirt, sand, hay or pine shavings) must be used to elevate the surface in order to prevent standing water.
- (c) Requirements for Coops.
 - 1) A minimum of 3 square feet of coop floor space is recommended per bird.
 - 2) The coop must be weather resistant from typical rains, snow, cold and wind.
 - 3) The coop must be ventilated to allow adequate fresh air in and out.
 - 4) In the winter, there should be no drafts (airflow) over/around the fowl.
 - 5) Door(s) or access panels must be provided to allow internal cleaning and maintenance.
 - 6) The roost pole(s) (where the fowl sleep) must be elevated above the floor level and should provide at least 12-14 inches of continuous horizontal space per bird.
 - 7) If multiple poles are used in a vertical placement, then there should be a minimum of 12 inches vertical separation and 8 inches horizontal offset from the next pole.

- 8) The poles should have a rounded top and should be a minimum of 1.5 inches in diameter.
 - 9) No type of heating device shall be allowed in the coop.
 - 10) Cedar shavings must not be used because cedar shavings cause respiratory issues with fowl.
 - 11) Coops must be kept clean and free from unpleasant odors.
 - 12) All coops should be constructed in such a manner to provide reasonable protection against predators.
- (d) Requirements for Nest Boxes.
- 1) Nest boxes can be located inside the coop or external to the coop provided they are weather protected.
 - 2) A minimum base dimension of 12" x 12" (larger breeds may require a larger size).
 - 3) Side walls should be a minimum of 6" high.
 - 4) The number of required nest boxes depends on the number of fowl (hens). A minimum of 1 nest box is required for up to 3 hens.
 - 5) Hay, straw, pine shavings or a soft synthetic or natural material must be used to line the bottom and provide a soft nesting area. Cedar shavings must not be used because cedar shavings cause respiratory issues with fowl.
 - 6) All nest boxes should be constructed in such a manner to provide reasonable protection against predators.
- (e) Requirements for Pen/Run.
- 1) Pens/Runs must have adequate and protected feed and water systems/containers.
 - 2) The pen/run is attached/connected to the coop to allow easy access for the fowl.
 - 3) The wall and roof area must be enclosed/covered with a wire mesh.

- 4) The floor/ground can be natural grass, dirt, sand or other natural materials. Cedar shavings must not be used because cedar shavings cause respiratory issues with fowl.
 - 5) The ground/floor must drain water quickly to prevent a muddy or wet ground/floor area.
 - 6) Pens/Runs must be kept clean and free from unpleasant odors.
 - 7) No pen/run should have less than 30 square feet of floor/ground space.
 - 8) A minimum of 10 square feet of ground/floor space is required per bird.
 - 9) The minimal height of the pen/run should be 48 inches.
 - 10) The side walls must have a wire mesh no larger than 1"x1", up to 48 inches high; the remaining walls and roof wire mesh should be no larger than 3" x 4".
 - 11) Door(s) or access panels must be provided to allow internal cleaning and maintenance.
 - 12) A shade cloth or covering on the roof should be used to provide a shaded area.
 - 13) A portion of the pen/run roof must be covered to provide a covered area for rain protection; this can also be the shaded area as noted above.
 - 14) All pens/runs should be constructed in such a manner to provide reasonable protection against predators.
- (f) A tractor may be used as long as it meets the requirements of both the coop and the pen/run.
- (g) Coop/Pen/Run Placement: All should be placed/located in accordance with the required property-line setback per city, county, or home owners association rules. Additionally, the following requirements must be met:
- 1) No coop or pen/run may be placed within the front yard of a property, or the side(s) abutting a public street or other public means of access.

- 2) All coops and pens/runs must be placed within the two rear-facing corners of the backyard.
 - 3) The Code Inspector reserves discretion to deny or revoke any permit for keeping fowl on property whose dimensions render it unable to accommodate the coop or pen/run in conformity with the requirements of this section.
- (h) Requirements for Feed and Water.
- 1) All fowl require a quality food and ample fresh water at all times during daylight hours.
 - 2) Feed must be stored in a protected, dry environment and should be stored in a tightly closed container so as not to attract predators and rodents.
 - 3) Clean, fresh feed must be available, in an appropriate feeder, during all daylight hours.
 - 4) Clean, fresh water must be available, in an appropriate waterer, during all daylight hours.
 - 5) Spilled or wasted feed must be removed and area around feeders kept clean.

Secs 10-22 through Sec. 10-29 shall remain reserved.

ARTICLE III CATS and DOGS

Sec. 10-30. Running at-large – Prohibited.

No owner of a dog or cat shall permit such dog or cat to run at-large at any time within the city, and any such owner who does so shall be guilty of an offense against the city.

Sec. 10-32. Same-Impoundment.

- (a) Any dog or cat found running at-large in the city shall be impounded at a rate set by the city council from time to time, per day, and the owner of such dog or cat, if known, shall be given notice of such impoundment. The dog or cat shall be held by the city for a period of five (5) days. At the end of such period, if such dog or cat remains unclaimed, either by the owner or by any person desiring to purchase such dog or cat, such dog or cat shall be humanely dispatched and disposed of. If the owner of such

dog or cat, or any purchaser, desires to make redemption of such impounded dog or cat, he or she may pay for the inoculation of such dog or cat (if the same be not already inoculated), for its board for the period during which it was impounded, and an additional sum as set by the city council from time to time, which sum shall be deposited in the general fund of the city to help defray the cost of enforcing this article. The city may, at its discretion, sell any dog or cat not redeemed or claimed or otherwise disposed of to any purchaser desiring such dog or cat, which purchaser must comply with the provisions of this article. All payments under this section shall be made to the office of the city clerk. Dogs or cats belonging to an owner will not be impounded by the city upon request by said owner.

- (b) With the permission of the property owner or occupant, the dog or cat officer, or any person duly authorized by him, or any police officer of the city, shall have the right for the public health, welfare and safety to enter upon property within the city for the purpose of capturing any dog or cat running at-large. Upon written complaint that a human being has been bitten by a dog or cat, the dog or cat officer, or any person duly authorized by him, or any police officer of the city, shall have the right for the public health, welfare and safety to enter upon any property, including residences, kennels and garages, within the city, for the purpose of capturing any dog or cat, whether such dog or cat is confined or not, and whether such dog or cat is wearing a proper license tag or inoculation tag. Any person identified as the owner of a dog or cat involved in an incident of biting shall promptly deliver such animal to the dog or cat officer, his duly designated agent, a licensed veterinarian or such officers as provided in Code of Ala. 1975, § 3-7A-9, for observation of such animal.

Sec. 10-33. Keeping of vicious dogs and cats.

It shall be unlawful for the owner to keep in the city a vicious dog or cat, unless the vicious dog or cat is securely confined in such a manner as to prevent such dog or cat from biting a person or another animal. It shall be prima facie evidence that a dog or cat is vicious if such dog or cat shall bite or fiercely attack any person or another animal if at the time of such biting or attack the vicious dog or cat was not on its owner's premises.

Sec. 10-34. Rabies immunization.

Every dog or cat kept, owned or maintained in the city shall be immunized against rabies pursuant to and in full accord with the provisions of Code of Ala. 1975, § 3-7A-2.

Sec. 10-35. Rabies Tag.

A dog or cat shall have attached to its collar a rabies tag that includes the owner's name and telephone number, and the tag shall be worn by the dog or cat at all times when such dog or cat is within the city limits.

Sec. 10-36 through Section 10-49 shall remain reserved.

**ARTICLE IV
SWINE, CATTLE AND GOATS**

Sec. 10.50. Keeping of swine, cattle and goats.

It shall be unlawful for any person to harbor, lodge, maintain, or keep under his or her control in the city for more than ten (10) days swine, bull, steer, cow, calf, yearling, or other horned animal, or sheep or goats. However, a person shall be permitted to keep one pot-bellied pig of less than 150 pounds fully grown.

Sec. 10-51 through Section 10-59 shall remain reserved.

**ARTICLE IV
HORSE, MARE, MULE AND OTHER EQUINE ANIMALS**

Sec. 10-60. Keeping of horse, mare, mule, and other equine animals.

A person may harbor, lodge, maintain, or keep under his or her control a horse, mare, mule, or other equine animal within the city provided the animal is kept on an undivided tract of land of one acre or more per animal (two undivided acres would be necessary to keep two horses). No person shall harbor, lodge, maintain, or keep under his or her control in the city any horse, mare, mule, or other equine animal on less than one undivided acre per animal.

ADOPTED this 6th day of March, 2018.

/s/ Tom Williams
Mayor

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Satsuma, Alabama, on the 6th day of March, 2018.

ATTEST:

/s/ Vicki Miller
City Clerk