

City of Anniston

P.O. Box 2168 Anniston, AL 36202

August 20, 2019

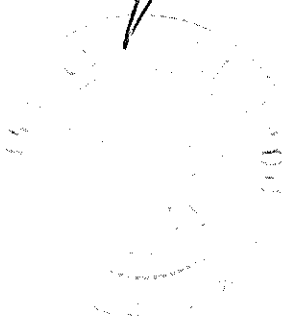
To Whom it May Concern:

This is a notice to acknowledge that the attached Ordinance, 19-O-12, Amending Chapter 4 of the Code of Ordinances to govern the Seizure, Custody, and Disposition of Animals, shall be effective in the police jurisdiction within the City of Anniston, Alabama as adopted by the City Council of Anniston, Alabama on August 6, 2019. This notice is also to acknowledge publication of said ordinance on August 9, 2019. Per Code of Alabama §11-40-10 the City of Anniston requests that this Ordinance be posted on the Atlas Alabama state website.



Skyler Bass

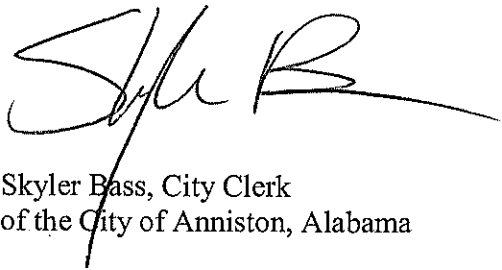
City Clerk



State of Alabama
Calhoun County

I, Skyler Bass, hereby certify that I am the City Clerk of the City of Anniston,
Alabama, and am the custodian and legal keeper of the minutes of the meetings of the
governing body of the City of Anniston, Anniston, and of all ordinances and resolutions
adopted by said governing body; that the attached ordinance is a true and correct copy of
an ordinance adopted by the governing body of the City of Anniston, Alabama, on the
6th day of August, 2019.

Witness my hand and the seal of the City of Anniston, Alabama, this the 20th day of
August, 2019.

A handwritten signature in black ink, appearing to read 'Skyler Bass', with a long horizontal flourish extending to the right.

Skyler Bass, City Clerk
of the City of Anniston, Alabama

PROOF OF PUBLICATION

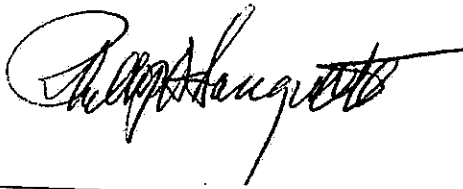
**STATE OF ALABAMA
CALHOUN COUNTY**

Personally appeared before me Phillip A. Sanguinetti, who being duly sworn, makes oath that he is President of THE ANNISTON STAR, a daily newspaper published in Anniston, Alabama, and that the attached notice ran as follows:

Dates: 8/9/19

Description: 4x9 Ordinance 19.0.12

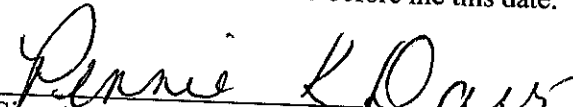
Ad # 828996
Order # 271445
Job # 0002714451
Amount \$ 648



Signature

Phillip A. Sanguinetti

Sworn to and subscribed to before me this date:


Signature Pennie Davis

Notary Public


My Commission Expires 10/24/2020

ORDINANCE NO. 19-O-12

AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES TO GOVERN THE SEIZURE, CUSTODY, AND DISPOSITION OF ANIMALS

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston, Alabama as follows:

Section 1. Chapter 4, Article I, Section 4.11 of "The Code of the City of Anniston, 1981" is hereby amended and restated in its entirety as follows:

Sec. 4.11. - Authority to inspect, protect and prevent cruelty to animals.

Any police officer or certified animal control officer of the city shall have the authority to inspect alleged violations of Sections 4.9 and 4.10 of this Article, to protect animals from any cruelty charged, and to prevent any cruelty to any animals.

Section 2. Chapter 4, Article I, Section 4.12 of "The Code of the City of Anniston, 1981" is hereby amended and restated in its entirety as follows:

Sec. 4.12 – Temporary custody; hearing; and disposition of animals.

(a) Any law enforcement officer or certified animal control officer of the city, having reasonable belief, evidence of, or having found an animal to be neglected or cruelly treated in violation of Sections 4.9 or 4.10 of this Article may perform either of the following:

(1) Remove the animal from its present location;

(2) Order the owner or person in charge of the animal to provide certain care to the animal at the owner's or person in charge's expense without the removal of the animal from its present location.

(b) The law enforcement officer or certified animal control officer, without the requirement of any fee or charge for court costs, shall immediately petition the municipal court for a hearing to be set within 20 days of seizure of the animal or the issuance of the order to provide care.

(c) The hearing shall be held to determine whether the owner or person in charge, if known, is able to provide adequately and protectively for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered within 30 days after the date the hearing is commenced. The owner or person in charge, at least five days prior to holding such a hearing, shall be notified of the date of the hearing to determine if the owner or person in charge is able to provide adequately and protectively for the animal and is fit to have custody of the animal.

(d) The law enforcement officer or certified animal control officer may provide for the animal until either the animal is returned to the owner or person in charge by the court, or the court refuses to return the animal to the owner or person in charge and implements one of the procedures pursuant to subsection (f).

(e) If the owner or person in charge is adjudged by the court to be able to provide adequately for and have custody of the animal, the animal shall be returned to the owner or person in charge.

(f) If the court determines that the owner or person in charge of the animal is unable, unwilling, or unfit to adequately provide for, protect, and have custody of the animal, the court may implement the following by court order:

(1) Upon the testimony of the person taking custody, a licensed veterinarian, or another qualified witness that the animal requires destruction or other disposition for humane reasons or is of no commercial value, order the animal destroyed or remanded directly to the custody of the animal control, shelter, or similar facility designated by the city to be disposed of by the facility or person in a humane manner.

(2) Upon proof of the costs incurred by the agent or agency having custody of the animal, order that the owner or person in charge pay any costs incurred for the care of the animal and for any costs incurred in destroying the animal. A separate hearing may be held by the court on the assessment of costs, which assessment shall include all costs of notice and hearing. In the event the court finds the owner or person in charge innocent of charges, the owner or person in charge shall not be charged with costs of the care of the animal in custody.

(g) If the court determines that the owner or person in charge is unable, unwilling, or unfit to adequately provide for and protect any other animal in the custody of the owner or person in charge that was not originally seized by the law enforcement officer or certified animal control officer when the animal in custody was seized, the court may enjoin the owner or person in charge of further possession or custody of the unseized animal.

Section 3. All prior ordinances in conflict herewith are repealed to the extent necessary to bring into effect the terms and effect of this ordinance.

Section 4. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law.

Section 5. Upon its passage and adoption, the City Clerk is hereby authorized and directed to publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama. The City Clerk is further authorized and directed to submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10.

PASSED and ADOPTED this 6th day of August, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Ben Little, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk