

ORDINANCE NO. 2012-08-06

**AN ORDINANCE PROVODING FOR THE CONTROL
OF CERTAIN ANIMALS AND PROVIDING
PENALTIES FOR VIOLATIONS OF ITS PROVISIONS**

BE IT ORDAINED by the Town Council of the Town of Wadley, Alabama, as follows:

SECTION 1. DEFINITION.

For the purpose of this article, the following words and phrases shall have the meanings Respectively described to them by this section:

1. **AT LARGE**- Unrestrained and not under the control of the owner or other person acting for the owner, such control to be exercised:
 - (a) by confinement within a fence (above or below ground), wall or other enclosure in such a manner as to effectively prevent the escape of the animal;
 - (b) by restraint of the animal by a leash, cord, or chain and secured to a collar, with swivel connections in such a manner as to effectively prevent escape of the animal, provided, that the length of the leash, cord, or chain be reduced to such lengths as to prevent the animal, when so secured, from entering premises other than that of the owner;
 - (c) when the animal is in a public place and off the premises of the owner, by the restraint of a leash, cord, or chain secured to a collar with swivel connections in such a manner as to effectively prevent the escape of the animal;
 - (d) by personal command in the presence of the person, while on private property of a consenting property owner in such a manner as to effectively prevent the escape of the animal.
2. **ANIMAL CONTROL OFFICER**- The person appointed by the Town Council to enforce this ordinance.
3. **DOG**- All members of the canine family.
4. **GUIDE DOG**- A guide dog is a dog which is used by a person to legally bind as a Guide to ambulation. Guide dogs shall be registered with the Mayor of the Town of Wadley.
5. **GUARD DOG**- A guard dog is a dog which is trained and used by commercial establishments for the purpose of protecting and guarding private property. Guard dogs shall be registered with the Mayor of the Town of Wadley.

6. **VICIOUS DOG-** A vicious dog is defined as a dog which has bitten or shall without provocation bite or fiercely attack any person or animal.

7. **OWNER-** Any person owning, keeping, possessing, harboring or maintaining a dog within the Town of Wadley, Alabama.

SECTION 2. COLLAR OR HARRASS REQUIRED; TAG TO BE ATTACHED; REMOVAL, ETC. PROHIBITED.

Each dog over the age of three (3) months shall wear a substantial, durable collar or Harness, to which the inoculation tag, provided for in Section 3-7A-4, Code of Alabama, 1975, shall be attached. It shall be unlawful to attach such tag by wire, rope, or other inhumane means. No person shall remove the collar or inoculation tag from any dog without the consent of its owner. It is suggested that an additional tag be attached bearing the owner's name and telephone number.

SECTION 3. ANIMAL CONTROL OFFICER: ENFORCEMENT OF ARTICLE.

- (a) The Mayor shall appoint the animal control officer and such assistants as may be necessary, who shall be employees of the Town. The expenses of the animal control officer and assistants, together with the salaries, shall be paid from the general fund of the Town. It shall be the duty of the animal control officer to enforce the provisions of this of this article; to catch and impound any dog running at large within the Town, without collar and inoculation tag, to attempt to rid the Town of stray, homeless, unclaimed and diseased dogs; to cooperate with the humane shelter personnel and rabies inspector; and to perform such other duties as may be directed by the Mayor of the Town of Wadley.
- (b) The animal control officer and assistants, together with members of the police department, upon verified written complaint that a dog has bitten a human being, shall have the right, for the protection of the public health, welfare and safety, to enter upon any property within the Town for the purpose of identifying and ordering confinement of the dog, under the direct care, custody, control and supervision of a licensed veterinarian, for a period of ten (10) days, in accordance with the provisions of Section 3-7A-9, Code of Alabama, 1975. It shall be unlawful and punishable as a misdemeanor for any person who is the owner or custodian of a dog which has bitten a human being to fail to comply with the provisions of this subsection. The costs of said confinement shall be borne by the owner or custodian of such dog.

SECTION 4. RUNNING AT LARGE PROHIBITED.

Confinement of dogs on private premises. It shall be unlawful and punishable as a misdemeanor for any person owning, keeping, possessing, harboring, or maintaining a dog to cause, permit, or allow such dog to be at large without proper identification as defined in Section 2.

SECTION 5. IMPOUNDING OF DOGS RUNNING AT LARGE.

X Any dog which is found at large on any street, sidewalk, alley or any other place in the Town, without identification, shall be caught by the animal control officer and assistants and impounded in the animal shelter. Any dog so impounded may be retaken or redeemed from the shelter by the owner or his duly authorized representative within five (5) days from impoundment or at any time thereafter before adoption or destruction. Dogs not redeemed or adopted as herein provided, shall be destroyed in a humane manner. Diseased or injured dogs impounded under this Section may be destroyed in a humane manner without delay.

Any redemption or adoption fee shall be determined by the animal shelter and shall be payable by the person redeeming or adopting the dog.

SECTION 6. INHUMANE TREATMENT OF DOGS PROHIBITED.

X It shall be unlawful for the owner or keeper of any dog to keep it in any enclosure or on any leash or other restraint unless the same shall be so arranged that the dog shall at all times have available water, shade, and proper shelter.

SECTION 7. ABANDONMENT OF DOMESTIC ANIMALS.

X It shall be unlawful for any person to abandon or set loose with the intention of avoiding the responsibility for the custody or care of any domestic animal within the Town limits of the Town of Wadley, Alabama.

SECTION 8. IMPOUNDING OF DOGS UPON PREMISES OF OTHER THAN OWNER.

X Any dog, whether wearing an inoculation tag or not, which is found on the premises of a person other than the owner or keeper thereof shall, at the request of the owner of such premises or his duly authorized representative, be impounded by the animal control officer as provided in this article. Such dog may be redeemed upon the payment of fee set out by the animal shelter. The provisions of Section 4 herein shall also apply to this Section.

SECTION 9. PENALTIES.

X Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not less than \$50.00 no more than \$500.00 or be imprisoned not exceeding thirty (30) days or be both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 10. INTERFERENCE WITH ENFORCEMENT OF ARTICLE.

It shall be unlawful and punishable as a misdemeanor as stated in Section 9 above for

any person to hinder, molest or interfere with any person authorized or empowered to perform any duty under this Article.

SECTION 11. SEVERABILITY.

- (a) If any Section, Subsection, sentence, clause, phrase or portion of this ordinance for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- (b) Any Ordinance or parts of Ordinances in conflict with the provisions of this Ordinance are hereby replaced and rescinded.

SECTION 12. PROVISIONS CUMULATIVE.

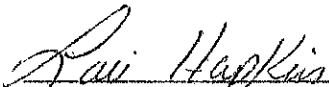
The provisions of this Ordinance are cumulative and in addition to any other procedure now authorized by law for the accomplishment of the objectives hereinafter contemplated.

SECTION 13. EFFECTIVE DATE

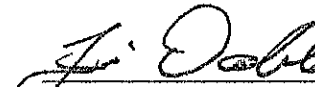
This Ordinance shall take effect upon posting as required by law.

ADOPTED and APPROVED this 6 day of August, 2012.

ATTEST:




LORI HOPKINS, Town Clerk
Town of Wadley



JIM DABBS, Mayor
Town of Wadley

COUNCIL MEMBERS:



TONI GAY, District 1



DALE MCKAY, District 1