

GENERAL ANIMAL CONTROL ORDINANCE #04-001

1. DEFINITIONS

At Large. Unrestrained and not under the control of the owner or other person acting for the owner, such control to be exercised (1) by confinement within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of the dog or cat; (2) by the restraint of the dog or cat by a leash, cord or chain not less than ten feet in length and secured to a collar, with swivel connections, in such a manner as to effectively prevent the escape of the dog or cat, provided, that the length of the leash cord or chain shall be reduced to such length as to prevent the dog or cat, when so secured, from entering premises other than that of the owner; or (3) when the dog or cat is in a public place and off the premises of the owner, by the restraint of the dog or cat by a leash, cord or chain not more than six feet in length and secured to a collar, with swivel connections, in such a manner as to effectively prevent the escape of the dog or cat. It is proved further that no dog or cat shall be restrained in an inhumane manner.

Animal. Animal shall include all domestic or farm animals or fowl, including cats and dogs.

Animal Control Officer. The person or persons designated or appointed by the City Council and its authorized agents who shall be primarily responsible for the enforcement of this article.

Dog. All members of the canine family three months or more of age, including dogs, pet foxes, wolves and other such member of the canine family.

Cat. All members of the feline (cat) family.

City. The City of Ashford, Alabama.

City Pound. The pound of the City of Dothan pursuant to the contract of Houston County with the City of Dothan regarding same.

Person. Person shall mean and include individuals, corporations, firms, partnerships and associations. The singular shall include the plural and the masculine, the feminine and neuter.

Owner. Owner shall mean and include any person having a right or property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by him.

2. The City Council shall appoint an Animal Control Officer and such deputies and assistants as may be necessary. It shall be the duty of the Animal Control Officer to enforce the provisions of this article; to catch and impound any dog or cat running at large within the city and within the police jurisdiction of the city; to attempt to rid the city of stray, homeless, unclaimed and diseased dogs and cats; to cooperate with the humane officer, the county animal control officer and the county rabies inspector.
3. (a) Confinement of dogs or cats on private premises. It shall be unlawful and punishable as a misdemeanor for any person owning, keeping, possessing, harboring or maintaining a dog or cat to cause, permit or allow such dog or cat to be at large on or about any place, lot or premises or portion of same within the city or within the police jurisdiction of the city.

(b) Restraint of dogs or cats in public places and off premises. It shall be unlawful and punishable as a misdemeanor for any person owing, keeping, possessing, harboring or maintaining a dog or cat to cause, allow or permit such dog or cat to run or be at large upon any street, alley, thoroughfare, sidewalk or public place in the city or in the police jurisdiction of the city.
4. It shall be unlawful for any person to permit or allow any dog or cat in his charge or control to wear a dog or cat inoculation tag issued for a different dog or cat.
5. (a) Any dog or cat which is found at large on any street, sidewalk, alley, thoroughfare or other place in the city and the police jurisdiction of the city shall be caught and taken by the Chief Animal Control Officer, his/her deputies and assistants and impounded in the City Pound pursuant to the provisions or terms of the agreement between Houston County and the City of Dothan.

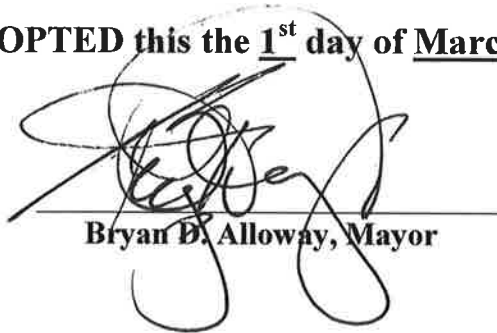
(b) Any animal impounded may be redeemed by the owner thereof within seven days upon payment to the City of Ashford of a daily \$7.00 impound fee plus a penalty fee of \$25.00, provided that if any such animal has been previously impounded, the impoundment fee shall be increased by \$15.00 for each subsequent impoundment not to exceed \$75.00 for any one impoundment. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or other fees as may be established.

© Any Policeman or other officer of the City exercising proper authority, is hereby authorized to destroy any animal when such animal is found to be vicious or dangerous or for humane purposes.

6. It shall be unlawful and punishable as a misdemeanor for the owner or other person in charge of a dog or cat, whether such dog or cat has attached to him a tag or not, to cause or permit such dog or cat to be or run at large on or about any place, lot or premises or portions of the same within the City of Ashford which is not provided and equipped with a wall, fence or other enclosure in such a manner as to prevent effectively the escape of such dog or cat, and while at large on or about such a place, lot or premises or portion of the same, such animal shall be kept within the limits of such wall, fence or enclosure. Whenever a dog or cat is permitted to run at large within a wall, fence or other enclosure, as permitted under this section, it shall be the duty of the owner or person in charge of such dog or cat to give public notice or warning that such dog or cat is at large within said enclosure by conspicuous posting at every unlocked entrance to such enclosure.
7. Any Dog or Cat impounded under the provisions of this Ordinance shall be dealt with as provided in Paragraph 5, hereof;
8. It shall be unlawful and punishable as a misdemeanor for the owner or other person in charge of any dog or cat to suffer or permit the loud and frequent or continued barking, howling, or yelping of such dog or cat, as to annoy and disturb the neighbors.
9. It shall be unlawful for the owner or other person in charge thereof to harbor or keep in the City of Ashford a vicious dog or cat, unless the same is securely confined or bound in such a manner as to prevent such a dog or cat from biting or attacking a person or other animal. It shall be *prima facie* evidence that a dog or cat is a vicious dog or cat if it shall bite or fiercely attack any person whatsoever, or any other animal, such person or other animal at the time of said biting not being on the owner's premises.
10. Any person or persons violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty (\$20.00) and no more than five hundred (\$500.00). In addition, court may impose a sentence of imprisonment in the county jail, not to exceed six (6) months.
11. Ordinances 103, 157 and 93-194 are hereby repealed.
12. This Ordinance hereby replaces all previous ordinances, which may conflict with this Ordinance.

13. This Ordinance is severable and each and every provision, section, clause or portion of this Ordinance is hereby declared to be an independent provision and the holding of any provision, section, clause or portion of this Ordinance to be void, not in effect or unconstitutional shall not affect any other section, clause, provision, or portion of this Ordinance which is not in and of itself held to be invalid or unconstitutional. It is further declared that the other provisions of this Ordinance would have been enacted regardless of any provision, which might be held invalid.

ADOPTED this the 1st day of March 2004



Bryan B. Alloway, Mayor

(City Seal)

ATTEST:



Sherry Sowell, City Clerk of Ashford

I Sherry Sowell attest that this Ordinance was posted in at least 3 different public locations within the City of Ashford.

U-Sav, Police Station, Recreation Dept., and public Library



Sherry Sowell