

ORDINANCE 95-002

AN ORDINANCE REQUIRING THE IMPOUNDMENT OF DOGS RUNNING AT LARGE:

WHEREAS, the governing body of the Town of Vincent has received numerous complaints from citizens regarding unrestrained dogs, and

WHEREAS, unrestrained dogs inhibit each citizen's right to use and enjoy their own private property as well as public areas, and

WHEREAS, unrestrained dogs have attacked persons as well as other animals thereby creating a threat to the public health,

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VINCENT, ALABAMA AS FOLLOWS:

SECTION 1. DEFINITIONS.

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

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

Chief Animal Control Officer. The person designated by the Town Council 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 pet foxes, wolves and other such members of the canine family.

Owner. Any person owning, keeping, possessing, harboring or maintaining a dog within the Town of Vincent, Alabama.

SECTION 2. Chief Animal Control Officer; Enforcement of Article.

(a) The Town Council shall appoint a chief animal control officer and his assistants as may be necessary. It shall be the duty of the chief animal control officer to enforce the provisions of this article; to catch and impound any dog running at large within the Towns corporate limits; to attempt to rid the Town of stray, homeless; unclaimed and diseased dogs; to cooperate with the humane officer of Shelby County and the county rabies inspector; and to perform such other duties as may be prescribed by the Town Council.

(b) The chief animal control officer, his assistants and members of the police department 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 capturing and impounding any dog found running at large. The chief animal control officer, his assistants and members of the police department, upon verified written or oral complaint that a dog has bitten a human being, shall have the further right, for the protection of public health, welfare and safety, to enter upon any property with the Town for the purpose of capturing and confining this dog, under the direct care, custody, control and supervision of a licensed veterinarian, for a period of ten days, in accordance with the provisions of Title 22, Section 114, Code of Alabama 1940, as amended. 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 promptly turn over or deliver such dog to the chief animal control officer, his assistants or members of the police department upon demand of one of such persons. Any expense incurred in the handling of any dog, under the provisions of this subsection, shall be borne by the owner or custodian of such dog.

Any person violating any provisions of this subsection shall upon conviction, be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in jail or at hard labor for a period not exceeding six months, or by both hard labor for a period not exceeding six months, or by both such fines and imprisonment at the discretion of the recorder.

SECTION 3. Running at Large Prohibited.

a) The Chief Animal Control Officer will pick up or cause to be picked up any and all dogs on which a complaint is received. An attempt will be made to locate the owner before transporting the dog to the Shelby County Humane Society.

b) Restraint of dogs in public places and off premises

It shall be unlawful and punishable as a misdemeanor for any person owning, keeping, possessing, harboring or maintaining a dog to cause, allow or permit such dog to run or be at large upon any street, alley, thoroughfare, sidewalk or public place in the Town unless such dog is attached to a leash, cord, or swivel connections, in such manner as to effectively prevent the escape of the dog, and with the leash, cord or chain being in the hands of the owner or other person in charge of such dog.

SECTION 4. Impoundment of Dogs Found at Large: Redemption Procedure: Disposition of Unredeemed Dogs.

(a) Any dog which is found at large on any street, sidewalk, alley, thoroughfare or other place in the Town shall be caught and taken by the chief animal control officer or his assistants to the Shelby County Humane Society. Any such dog so impounded may be retaken or redeemed from the Humane Society by the owner or his duly authorized representative within seven (7) days from impoundment thereof, or at any time thereafter before destruction thereof, by paying to the Shelby County Humane Society the fee for the keeping of the dog. The fee will be determined by the Humane Society and payable to the Humane Society direct by the owner of the dog. Every such dog which has remained in confinement at the Humane Society for seven days and which has not been redeemed or retaken by the owner, or his duly authorized representative within such time shall be disposed of by the Shelby County Humane Society as they see fit, after the waiting period of (7) seven days. No such dog shall be released from the Humane Society, either to the owner or his duly authorized representative unless, or

until such dog has been inoculated, as prescribed by law and a certificate and tag, as likewise prescribed, shall have been issued therefore. Dogs not redeemed as herein provided, shall be destroyed by the Humane Society in a humane manner. Diseased or injured dogs impounded under this section may be destroyed by the Humane Society in a humane manner without delay.

SECTION 5. Collar or Harness required, Tag to be attached; Removal etc, prohibited.

(a) Each dog over the age of three months shall wear a substantial, durable collar or harness, to which the inoculation tag provided for in Title 22, Section 108 of the Code of Alabama, 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 the owner.

SECTION 6. Impounding of Dogs upon Premises of other than Owner.

(a) Any dog, whether wearing an inoculation tag or not, which is found upon the premises of a person other than the owner or keeper thereof, shall at the request of the owner or his duly authorized representative, of such premises, be impounded by the chief animal control officer, his assistants, or the humane officer as provided for in this article. Such dog may be redeemed upon the payment of the fee set out in Section 4 hereof, if such dog is not redeemed, the same shall be subject to disposition as provided for in Section 4.

SECTION 7. Interference with the enforcement of this article.

(a) It shall be unlawful and punishable as a misdemeanor for any person to hinder, molest or interfere with any person authorized or empowered to perform any duty under this article.

(b) The general penalties in effect in the Town and prescribed in the Code of Alabama as amended are hereby adopted as the penalty provisions for violations of this article.

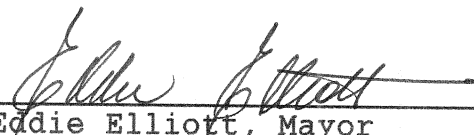
SECTION 8. Repeal of Prior Ordinances.

Any and all ordinances regarding dogs adopted at any previous time is hereby repealed.

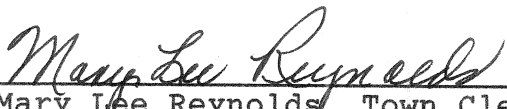
SECTION 9. Effective Date.

This ordinance shall become effective immediately upon its approval and publication as provided by law.

Adopted this 9th day of October, 1995.



Eddie Elliott, Mayor



Mary Lee Reynolds, Town Clerk