



CITY OF CLAY, ALABAMA ORDINANCE 2014-01

AN ORDINANCE PROHIBITING RUNNING AT LARGE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED by the City Council of the City of Clay, Alabama as follows:

The City of Clay has undertaken to establish this ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the city.

Section I. Definitions

Section II. Vaccination – required

Section III. Same – standards.

Section IV. Running at large

Section V. Release from confinement

Section VI. Impoundment – procedure

Section VII. Same – release of animals generally

Section VIII. Voluntary settlement of citations

Section I. Definitions

- A. Animal shall mean all members of the canine family of three (3) or more months of age, all members of the feline family three (3) or more months of age, and all types of pets or wildlife, including but not limited to, skunks, raccoons, ocelots, foxes, deer, possums, pigs, potbellied pigs and any other domestic or wild animal that are capable of having and transmitting rabies and for which the vaccines are recommended.
- B. Animal control center means the place designated or used as such by the city for a place of confinement for animals held under the authority of this chapter.
- C. Animal control officers means the director and all enforcement officers assigned to the animal control center.
- D. Run at large shall include all times and places when the animal is not confined, restrained or enclosed within a wall, fence (which may include an electrified invisible fence or barrier) or other enclosure on the premises of the owner or person in charge in such manner as to prevent effectively its escape, or is not attached to a leash in the hands of said owner or person in charge.

Section II. Vaccination – required

It shall be unlawful for any person to possess, keep or harbor in the city or the police jurisdiction thereof any animal which has not been vaccinated as provided in Section III hereof within the preceding twelve (12) months.

Section III. Same – standards

In order to be sufficient under this article, vaccination shall be accomplished by a veterinarian duly licensed as such by the state board duly authorized therefor, or shall be accomplished by a rabies inspector or deputy rabies inspector appointed pursuant to Code of Alabama 1975, Section 3-7-10, as amended by Act No. 701 of the 1975 Legislature. Such vaccination shall be evidenced by a tag attached to such animal showing that such animal has been vaccinated for rabies as required by the laws of the state within the preceding twelve (12) months.

Section IV. Running at Large

- A. It shall be unlawful for the owner or person in charge of an animal except cats and fowl to cause or permit such animal to run at large or be upon a street, sidewalk, thoroughfare, property other than that of the owner of the animal, or public place within the city or its police jurisdiction, unless such animal is attached to a leash in the hands of said owner or person in charge of said animal. Any cat running at large may be impounded pursuant to Section III below although such would not result in a citation against the owner or person in charge of the cat under this provision.
- B. The owner of a dog, and any other person or persons in custody or control thereof, shall cause to be removed any solid body excretions deposited by said dog on any property not owned by or in possession of the dog owner or the person or persons in custody and control of said dog at the time of said deposit.

V. Release from confinement.

It shall be unlawful for any person to take an animal from a confinement or restraint of its owner or of the person in charge or control of it or to cause an animal to escape from such confinement or restraint without specific permission therefor from the owner or person in charge or control of the animal.

VI. Impoundment – procedure

- A. Any animal found running at large in the city or its police jurisdiction may be impounded in the shelter designated as the animal control center and there confined in a humane manner for a period of not less than three (3) days and thereafter be euthanized in a humane manner if not claimed by its owner; additionally a citation of ordinance violation may be issued to the owner or person in charge of such animal. Any sanitary environmental investigator and any duly authorized representative of the Jefferson County health officer or any other designated individual or employee of the city shall be authorized to issue a notice of ordinance violation to the owner or person in charge of an animal found at large or running at large.
- B. After the legal detention period has expired and an impounded animal has not been claimed by its owner, the animal control officer or duly authorized employees of the animal control center may transfer title to and give ownership of any impounded animal to the humane society or to any person deemed by the supervisor to be a responsible and suitable owner who will agree to comply with the provisions of this article including the inoculation and payment of the fee or fees herein required.

VII. Same – release of animals generally

- A. The owner shall be entitled to resume possession of any impounded animal, except as provided in Ordinance No. ____ in the cases of dangerous animals, upon:
1. Presentation of evidence that the animal has been inoculated or payment of the fees required therefore,
 2. Payment of any impoundment and boarding fees, and
 3. Any one of the following where applicable:
 - a) The voluntary settlement of citation pursuant to Section VIII, if the owner desires to voluntarily settle the charge, or
 - b) Evidence that a citation of ordinance has been issued to the owner, if such was necessary.
 - c) No impounded animal over the age of three (3) months shall be released from the animal control center unless or until the same is inoculated or satisfactory evidence of the fact that it has been inoculated is presented to the animal control center. No such animal shall be released by the animal control center until such inoculation has been performed as required by state law.
 - d) Any animal impounded under the provisions of this section and not reclaimed by its owner within three (3) days may be humanely euthanized by the animal control center supervisor or his/her assistant or the supervisor may transfer title to it and give ownership of it as provided in Section VI.B.
 - e) The owner of an animal impounded and not redeemed within the detention period provided for in this article shall be responsible for the fees and charges herein required and incurred, whether or not such animal is claimed.
 - f) In the event any animal is voluntarily left for disposal by its owner, the supervisor of the animal control center shall have complete authority either to euthanize any such animal in a humane manner without holding the same for redemption, or if and such animal is healthy, to give the same to a new owner, upon proper inoculation and payment of all required fees by such new owner.

VIII. Voluntary settlement of citations

Any person who has violated any of the sections hereof and who has not appeared or executed bond for appearance in municipal court to answer such charge and desires to waive trial as to the question of his/her guilt or innocence of such charge and to voluntarily settle such charge out of court may apply to the court clerk's office within seventy-two (72) hours before your court appearance date of such following offenses:

- A. For a violation of Section III (vaccination – standards), the sum of forty dollars (\$40.00).
- B. For a violation of Section IV, (running at large), the sum of forty dollars (\$40.00).
- C. For the second violation of Section IV, within a one-year period of time, the sum of seventy-five dollars (\$75.00).

- D. Any subsequent violations within a one-year period may not be voluntarily settled and the person charge must appear at the trial as to the question of his/her guilt.
- E. For a violation of Section V (release from confinement), the sum of forty dollars (\$40.00).

ADOPTED THIS THE 17th Day of March 2014.

Charles K. Webster
Mayor

ATTEST: _____
Ronnie Dixon
City Manager



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CERTIFICATION:

I, the undersigned City Manager of the City of Clay, Alabama, hereby Certify that the above and foregoing copy of (1) **Ordinance** is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Clay, Alabama, on the 17th Day of March, 2014, as same appears in the official records of said City.

Posted at City Hall, Chalkville Regions Bank, Seniors Centers, and the United States Post Office all being in the City of Clay this the 18th Day of March, 2014.

Ronnie Dixon
City Manager