

City of Chelsea, Alabama

ORDINANCE NO. 2016-07-12-703

AN ORDINANCE TO ESTABLISH THE OFFICE OF ANIMAL CONTROL OFFICER; TO DEFINE THE DUTIES OF THE ANIMAL CONTROL OFFICER; TO ESTABLISH A SHELTER OR POUND; TO PROHIBIT DOGS RUNNING AT LARGE; TO CONTROL BARKING AND MISCHIEVOUS DOGS; AND TO PROHIBIT ANIMAL CRUELTY

Ordinance 05-05-17-272 is amended to read as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA, ALABAMA, AS FOLLOWS:

§1 - Definitions:

Whenever used in this Ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meanings:

ANIMAL CONTROL OFFICER: The person (s) designated by the City Council who shall be primarily responsible for the enforcement of this Ordinance.

AT LARGE: Unrestrained and not under the control of the owner or other person acting for the owner.

DOG: All members of the domesticated canine (*Canis familiaris*) family three months of age or older.

POUND: A place for the impoundment of dogs found to be in violation of the provisions of this Ordinance.

§2 - Appointment of Enforcing Officer and Duties;

(a) The office of the Animal Control Office is hereby created.

(b) It shall be the duty of the Animal Control Officer to take up and impound any dog authorized to be impounded by this ordinance or by any other ordinances of the City.

(c) It shall be the duty of the Animal Control Officer to investigate all reported violations of this ordinance and attempt, when appropriate, to solve such problems through conferences and advise. If the aforementioned strategies are unsuccessful, the following process will be followed:

(1) Notification, by certified mail, will be given to the owner of the dog.

(2) There will be a two week period for the correction of the nuisance.

(3) If the nuisance is not abated, then there will be either a citation or a summons to court issued to the owner of the dog.

(4) It shall be unlawful for any person to interfere with, oppose or resist an Animal Control Officer or other person charged with the enforcement of the provisions of this ordinance in the discharge of any act required or permitted hereby.

§3 - Impoundment:

The City Council may employ, hire or contract with an individual or concern to maintain and keep a shelter or pound for dogs picked up and/or impounded hereunder.

§4 – Running at Large Prohibited:

- (a) It shall be unlawful for any person owning, keeping, possessing or harboring a dog to cause, permit or allow such animal to be at large within the City of Chelsea and its police jurisdiction and outside the boundaries of the owner's premises or the premises of a designated caretaker.
- (b) When a dog is in a public place and off the premises of the owner, the animal shall be restrained by a leash, cord or chain which is secured to a collar or harness.
- (c) If any animal is found upon the premises of any person other than its owner, the owner or owner or occupant of such premises shall have the right to confine the animal and shall immediately notify the Animal Control Officer at City Hall to impound the animal.
- (d) It shall be no defense in the prosecution for a violation of any provisions of this Ordinance that such animal was at large without the knowledge, consent or permission of the owner of such animal.

§5 - Barking, Howling and Mischievous Dogs:

- (a) It shall be unlawful for the owner or other person in charge of any dog within the City of Chelsea and its police jurisdiction to permit the loud and frequent or continuous barking, howling, yowling or yelping to continue for an interval of ten (10) minutes or more.
- (b) It shall be unlawful for the owner or other person in charge of any dog within the City of Chelsea and its police jurisdiction to permit the animal to injure, deface, or destroy the property of another. It shall be prima facie evidence that an animal is mischievous if it shall destroy real or personal property of a person other than its owner or shall scatter, tear up or place in disarray any personal property of a person other than its owner kept on the property of a person other than its owner.

§6 – Cruelty to Animals:

- (a) Any person that commits an offense under Section 13-A-11-14 of the Code of Alabama or of any amendment hereto now existing or hereafter enacted, shall be guilty of an offense against the City.
- (b) In addition, any person that engages in any of the following acts within the City shall be guilty of an offense against the City:
 - (1) Failing to provide adequate food or water for any animal, provided such person is the owner or person in charge of such animal.
 - (2) Beating, torturing, injuring, tormenting, poisoning, depriving of necessary sustenance, or mutilating any animal in a manner which causes pain, suffering, or death.
 - (3) Failing to provide adequate medical attention for any sick, diseased, or injured animal, provided such person is the owner or person in charge of such animal.
 - (4) Keeping any animal under unsanitary and inhumane conditions or inhumane conditions that are detrimental to the animal's health or general welfare.
 - (5) Molesting or harassing any animal.
 - (6) Promoting, permitting, holding, managing, conducting, allowing or attending any fight or combat between one (1) or more animals or fowls, or between animals and humans.
 - (7) Failing to provide adequate shelter for an animal, provided such person is the owner or person in charge of such animal.
 - (8) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health and welfare of the animal because of temperature, lack of food or water, or such other conditions as may be reasonable to cause suffering, disability, or death.

§7 – Tethering of Animals:

It shall be unlawful for anyone to inhumanely tether a dog, cat, kitten or puppy and it shall be unlawful for anyone to leave a tethered dog, cat, kitten or puppy in such conditions as to result in inhumane treatment and injury.

§8 - Penalties:

It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:

- (a) For the first offense, the fine shall be \$100.00 and ten (10) hours of community service, plus court costs.
- (b) For the second offense within twelve (12) calendar months, the fine shall be \$300.00 and 20 hours of community service, plus court costs.
- (c) For any subsequent offense within (12) calendar months, the fine shall be not less than \$500.00, and 40 hours of community service, plus court costs.
- (d) Community service imposed shall be documented and completed within one year from date of imposition.

§9 - Authority of this Ordinance:

This ordinance shall take precedence over any neighborhood covenants.


§10 - Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.


§ 11 - Effective date:

This ordinance shall take effect upon publication as required by law.

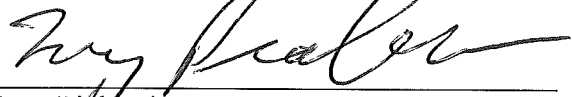
Presented and adopted this the 12th day of July, 2016.



S. Earl Niven, Mayor




Dale Neuendorf, Councilmember




Tony Picklesimer, Councilmember



David Ingram, Councilmember

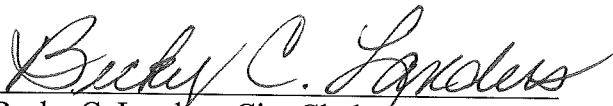


Anson M. Nichols, Councilmember



Juanita J. Champion, Councilmember

I, the undersigned City Clerk of the City of Chelsea, Alabama, do hereby certify that the above and foregoing is an ordinance lawfully passed and adopted by the City Council of the City of Chelsea, Alabama, at a regular meeting of such Council held on the 12th day of July, 2016, and that such ordinance is on file in the office of the City Clerk.

Attested By: 

Becky C. Landers, City Clerk