

ORDINANCE NO. 2008-05

AN ORDINANCE ESTABLISHING A LEASH LAW FOR THE CITY OF CENTER POINT,
ALABAMA

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

§1. Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment or setting loose to avoid responsibility - Shall include, but not be limited to, leaving the animal to fend for itself, deserting, or putting out the animal without accepting responsibility for the animal's actions.

City pound, impoundment center, or rabies control center - The place so designated by the city or by the county board of health, or such other person with whom the City may contract for the maintenance or operation of a city pound, whether such city pound is located within the limits of the city or elsewhere in the county

Dogs for the Handicapped - Dog trained to function as a companion dog for the disabled.

- 1** Running at large. No owner or any person having charge or control of an animal shall cause or permit such animal to run or be upon a street, sidewalk, thoroughfare, alley, or public place within the city unless such animal be attached to a leash in the hands of such owner or other person in charge. No owner shall allow or permit an animal to damage the property of anyone other than its owner, including but not limited to, getting into or turning over garbage containers, or damaging gardens, flowers and vegetables, or defecating upon the property of another

Owner's Duty to Remove Overturned or Scattered Garbage.

It shall be the duty of the owner or person in charge of any dog or cat which has been allowed by said person to run at large, to pick up and remove to the landfill, or to a secure authorized container, any garbage or refuse which said animal has caused to be overturned, spilled or scattered upon any residential lot occupied for human habitation, or upon any right-of-way adjacent thereto, upon demand from the owner or occupant thereof, or upon demand of any animal control officer, any law enforcement officer or other duly designated agent or employee of the City of Center Point. It shall be unlawful for any such person to fail or refuse to do so.

Duty of Owner for Removal of Feces.

It shall be the duty of the owner or person in charge of any dog or any cat to remove and dispose of any feces deposited by said animal upon the grounds of any public park or public place, upon any residential lot or another occupied for human habitation, or upon any right-of-way adjacent thereto, and will be done on demand by the owner or occupant thereof or any animal control officer, law enforcement officer or other duly designated agent or employee of the City of Center Point

Duty to Restrain Dogs and Cats.

It shall be the duty of every owner or person in charge of a dog to keep said animal under effective restraint, while the same is within the City, whether or not said dog is upon or away from the owner's premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep said animal under effective restraint. Proof that a dog is not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima-facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense. Competent evidence that said failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the City to prove otherwise.

It shall be unlawful for the owner or any person having custody or control of any cat within the City to allow such cat to be a nuisance, cause destruction or damage to the property of another, or to run at large.

2. Abandonment. No person shall abandon or set loose with the intention of avoiding the responsibility for the custody or care of any domestic animal within the city limits or police jurisdiction.

3. Vehicles.

It shall be illegal to transport or carry on any public highway or public roadway, any dog or other animal in a motor vehicle unless the dog or other animal is safely enclosed within the vehicle or protected by a cab or container, cage, cross-tether, or other device to prevent the animal from falling from, or being thrown from the vehicle.

It shall be illegal to place or confine an animal or allow 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 or welfare of the animal because of temperature, lack of food or water, or such other conditions as may reasonably be expected to cause suffering, disability or death

§2. Impoundment

1. Apprehension of Animals Running at Large. Any animal found running at

large or without the tag and collar required in this ordinance may be picked up by the City, impounded, and confined in a humane manner. Any animal found running at large or without the tag and collar required by this ordinance and which is found on the property of a person, firm, or corporation other than that of its owner may be detained by the owner or occupant thereof for the purpose of permitting said animal to be picked up by the City, as is otherwise provided by this ordinance; provided, however, that such detention shall be authorized only if said property owner or occupant promptly notifies the City of said detention and requests that the animal be picked up; further provided that nothing herein shall authorize the indefinite detention or conversion of any animal, the injury or destruction of any animal, or the disposition of any animal except in accordance with the procedures established and authorized by this ordinance

2. Notice of Impoundment. Immediately upon the impounding of any animal, the City shall make reasonable effort to notify the owner of the animal so impounded, in writing or otherwise, and to inform the owner of the conditions under which he may regain custody of such animal.
3. Issuance of Notice of Violation. If the owner or person in charge of any such animal found at large or running at large is known, and that animal is otherwise in compliance with the requirements of this ordinance, the City may issue a notice of ordinance violation to the owner or person in charge, in addition to the impoundment.
4. Redemption. Any owner shall be entitled to resume possession of any impounded animal, except as provided in the cases of fierce, dangerous, or vicious animals, upon compliance with the inoculation requirements of this ordinance and the payment of impoundment, board fees, inoculation fees and proof of payment of fines and costs.
5. Reclamation Fees.
 - a. Any impounded animal may be reclaimed by the owner, as provided in this division, upon payment by the owner to the City or impounding authority (Jefferson County Animal Control) of the following fees as well as all applicable fines and court costs (if any):
 - (1) Daily board;
 - (2) The inoculation fee, if required, plus any penalty due; and
 - (3) The impoundment fee.
 - b. For a second such impoundment of the same animal within a twelve-

calendar month period, the animal impoundment fee shall be doubled. For a third or subsequent animal impoundment within that period, the impoundment fee to the owner shall be tripled, provided that such fees shall not exceed statutory maximums.

c. All impoundment, kennel permit, and board fees shall be remitted to that impoundment center to whom such fees are owed.

6. Owner Responsibility. The owner of any impounded animal shall be legally responsible for the fees and charges attendant to such impoundment whether or not the animal is claimed. The City shall have the right to assess and collect any and all fees and charges from said owner

7. Unredeemed Animals

a. If any impounded animal is not reclaimed by its owner within five (5) days from delivery, the City may humanely destroy it or may transfer title to it and give ownership of it as provided in this section.

b. After the legal detention period of five (5) days has expired and an impounded animal has not been claimed by its owner, then the City may transfer the legal title to and give absolute ownership of any impounded animal to any of the following:

(1) The Animal Rescue Center, the Metro Animal Shelter, the Humane Society, or the Alabama Animal Adoption Society, without fee, providing such society agrees to provide for the inoculation of such animal to the satisfaction of the City; or

(2) Any person deemed by the City to be a responsible and suitable owner who shall agree to comply with the provisions of this section, including the inoculation and payment of the required fees

1. Settlement of Charges. Any owner who has received a notice of violation for allowing animal owned by him or in his charge or control to be or to run at large, or who has abandoned an animal and has been cited for such violation, and who also desires to waive legal process on the question of his guilt or innocence of the charge and to voluntarily settle the charge may do so by paying a sum pursuant to the following schedule which may be from time to time amended by the City Council:

a. First citation within twelve (12) months: \$50.00 fine plus any and all expenses that may be related thereto.

b. Second or more citation within twelve (12) months, Double the fine up to the legal limit.

2. Payment of Fine. The above fine may be voluntarily paid to the settlement clerk

designated by the City no sooner than eight (8) nor later than fourteen (14) days after the issuance of the notice of violation. The settlement clerk shall be authorized to receive the amount in full settlement of the alleged offense and to give a receipt there for on behalf of the City. If such payment is made, no further prosecution shall be instituted or maintained in any court. All impoundment fees and charges shall be paid at the same time

§3. Inoculation

1. **Inoculation.** No person shall own, possess, keep, or harbor in the city any animal which has not been inoculated against rabies within the preceding twelve (12) months and tagged as required by § 3-7-2 and § 3-7-4, Code of Alabama (1975). The required tag shall be displayed by attaching same to the animal's collar

Release From Impoundment. No impounded animal shall be released from impoundment unless or until the same is inoculated and a proper certificate and tag is presented or obtained as required by this ordinance

Inoculation by City. An owner or other person entitled to possession of any impounded animal who does not have the required inoculation certificate and tag for the animal may elect to have the animal inoculated at the impoundment center upon payment of a fee as set from time to time by the City Council.

Fee for Inoculation. The owner or other person entitled to possession of an impounded animal may secure its release from the impoundment prior to inoculation upon payment of the required fee to the City for the purpose of obtaining its inoculation against rabies, whereupon the supervisor shall issue a receipt for the money. The owner or other person shall then deliver the animal, along with the receipt, to a duly licensed veterinarian of the state for the required vaccination or inoculation within seventy-two (72) hours after receiving the receipt. The cost of such vaccination shall be reimbursed to the veterinarian (in an amount not to exceed the money paid for such purposes by the owner) upon application and certification of inoculation being provided to the City.

Failure to Comply. No person shall keep, harbor, confine, or possess any animal within the city or its police jurisdiction which has not been inoculated within seventy-two (72) hours of the release from the impoundment as provided in this division. If an animal released pursuant to this division has not been delivered for inoculation within seventy-two (72) hours, such animal shall be again impounded and released only after inoculation at the impoundment center and issuance of the required certificate and tag

2. Charges for Confinement of Dogs and Cats.

The City shall charge and collect fees from owners who redeem their animals. The City shall have the authority to establish a fee schedule entitled "Fee Schedule for Animal Control Center" for the following categories:

- (1) Impounding: dog or cat
- (2) Boarding: dog and cat per day
- (3) Adoption: dog or cat
- (4) Special Fees: pickup, replacement tags, dead animal pickup, disposal, etc.

The fee schedule shall be reviewed annually and any recommended changes shall be approved by the City Council.


The fee schedule will not include applicable charges for any license or rabies vaccination that is required by this ordinance or other applicable law.

Animals may not be adopted by original owners or their immediate family members so as to avoid paying a violation fine or redemption fee

Severability: If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding

Effective Date: The provisions of this ordinance shall become effective thirty (30) days after its passage, enrollment, and publication by the City Council and Mayor of the City of Center Point, Alabama.

ADOPTED this the 27th day of March, 2008.



Roger A Barlow, Council President



Councilman Wink Chapman



Councilwoman Linda Kennemur

Councilman Raymond Olan

Terry Leesburg

Councilman Terry Leesburg

APPROVED this 28th day of March, 2008.

Tom Henderson
Tom Henderson
Mayor, City of Center Point

ATTEST: Jackie Davidson
Jackie Davidson
City Clerk

CERTIFICATION

I, Jackie Davidson, City Clerk of the City of Center Point, Alabama do hereby
Certify that the following is a true and correct copy of Ordinance Number 2008-05
of the City of Center Point, Alabama, adopted on March 27, 2008,
and posted in the following places:

Center Point City Hall


Center Point Fire District – Station 1

United States Post Office – Center Point Branch

Wal Mart Neighborhood Market

on April 2, 2008, and effective five days thereafter.

Given under my hand and seal this 2nd day of April,
2008.



Jackie Davidson, City Clerk
City of Center Point