

City of Chelsea, Alabama

ORDINANCE NO. 05-05-17-272

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 PROHIBITING DOGS RUNNING AT LARGE AND CONTROL BARKING AND MISCHIEVOUS DOGS;

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, then the following process will be followed:
 - (a) Notification, by certified mail, will be given to the owner of the dog.
 - (b) There will be a two week period for the correction of the nuisance.
 - (c) 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.
 - (d) 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 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 - 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.

§7 - Authority of this Ordinance:

This ordinance shall take precedence over any neighborhood covenants.

§8 - 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.

§ 9 - Effective date: