

ORDINANCE NO. 2022-09-06-01

**AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT, REDEMPTION, AND
ADOPTION OF AT-LARGE ANIMALS**

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

SECTION 1. DEFINITIONS.

- A. ANIMAL CONTROL OFFICER. The person appointed by the City Council to enforce the ordinance.
- B. ANIMAL. All members of the domestic canine or feline family.
- C. ADOPTION. The process of transferring responsibility of an impounded animal that has not been redeemed or otherwise disposed of to a person or entity desiring the animal.
- D. AT-LARGE ANIMAL. Any animal, as described herein, whose owner has either knowingly, voluntarily, negligently, or willfully allowed the animal to go at large in the City, either upon the owner's premises, the premises of another, or upon the public lands, highways, roads or streets in the City.
 - 1. Any dog or cat that is obedient, either by training or temperament, shall not be considered at large while upon a public street or other public place if it is within fifteen (15) feet of its owner or person in charge and under the voice control of its owner or person in charge. To be under control or restraint, any dog or cat that is not obedient to direct voice command must be carried by the owner or person in charge, caged, confined, or otherwise controlled by means of a leash or such other manner so as to prevent its free movement.
- E. CAT. All members of the domesticated feline (*Felis catus*) family.
- F. DOG. All members of the domesticated canine (*Canis familiaris*) family.
- G. OWNER. Any person having a right of property in a dog or cat, or who keeps or harbors the animal, or who has it in his or her care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him or her.

SECTION 2. CONFINEMENT OF DOGS AND CATS

- A. Generally. It shall be the duty of every owner or person in charge of any dog(s) or cat(s) to keep said animal(s) under control or restrained while the same is within the corporate limits of the city, regardless of whether said animal is upon or away from the

premises of the owner or person in charge. It shall be unlawful for the owner or person in charge of any dog or cat to cause, permit, or allow any dog(s) or cat(s) to be at large and to fail to keep the dog(s) or cat(s) under control or restraint.

SECTION 3. AT-LARGE ANIMAL IMPOUNDMENT.

- A. At-Large Animal Impoundment. Any at-large dog or cat found within the city limits shall be impounded by the Animal Control Officer or any municipal law enforcement officer; provided, however, a law enforcement officer shall be permitted to return an at-large animal to its owner(s) without first impounding the animal if the animal's owner(s) are known to the officer.

SECTION 4. NOTICE TO OWNERS.

- A. Notice Requirement. Immediately upon impounding any animal, the Animal Control Officer or his or her designee shall make a reasonable effort to notify the owner(s) of the impoundment.
- B. Contents of Notice of Impoundment: The notice of an impoundment shall contain a description of the animal, including his or her name, if known, the address at which the animal is located, the date of impoundment, the location at which the animal was seized, and the date on which said notice was posted or otherwise provided to the owner(s). The notice shall further specify the owner may redeem the animal within seven (7) days, provide contact information for the person(s) an owner may contact to obtain redemption information.
- C. Method of Giving Notice.
1. Known Owners. To the extent the owner of an impounded animal is known to the impounding officer, the Animal Control Officer shall provide to the owner once ascertained written notice of impoundment either by hand delivery, by certified mail, return receipt requested, to the owner's last known address, or by posting the notice upon the door of the owner's last known address.
 2. Posting Notice. Regardless of whether the owner is known to the Animal Control Officer, notice of impoundment for each impounded animal shall be posted by the Animal Control Officer or his or her designee at [public location selected by Chief or Animal Control Officer, e.g., city hall].

SECTION 5. REDEMPTION.

- A. Redemption of At-Large Animal. Subject to the requirements of this Ordinance, an owner shall have a right to redeem his or her animal for a period of seven (7) consecutive days after notice of impoundment is provided to the owner. If the owner is known at the time notice is posted, the seven (7) day period shall begin the day after direct notice is given to the owner as provided in Section 4(3)(a). Otherwise, the redemption period shall begin the day after notice of impoundment is posted pursuant to Section 4(3)(b). Notwithstanding the foregoing, any owner desiring to redeem an

animal may do so by complying with the conditions and requirements stated herein so long as the animal has not been destroyed or adopted.

B. Redemption Requirements.

1. Immunization. An animal must at the time of redemption be current on its rabies immunization. In the event the animal is not wearing a current immunization tag at the time of impoundment, the animal must be vaccinated prior to redemption unless the owner produces a certificate of current immunization.
2. Redemption Costs. An owner redeeming an animal shall pay for the board of the animal for the period for which it was impounded. If immunization is required prior to redemption, the owner shall also pay the immunization fee approved by the State Board of Health, as well as a non-immunization penalty in an amount equal to twice the state-approved charge for immunization.

SECTION 6. DISPOSITION OF IMPOUNDED AT-LARGE ANIMALS

- A. Destruction or Adoption of Impounded At-Large Animals. In the event an impounded at-large animal is not redeemed prior to the expiration of the redemption period, the Animal Control Officer may humanely destroy the animal or, subject to the provisions of this ordinance, place the animal for adoption with or without the assistance of an animal shelter, humane society, or foster home.

SECTION 7. ADOPTION REQUIREMENTS.

- A. Adoption Authorized. The Animal Control Officer may permit the adoption of any animal not redeemed by any person desiring the animal who the Animal Control Officer or his or her designee deems to be a reasonable and suitable owner provided that such person agrees to comply with the provisions of this ordinance, including, without limitation, payment of the required fees and immunization and sterilization requirements.
1. Immunization. Each animal placed for adoption shall be immunized from rabies once reaching three months of age or as otherwise provided by the Code of Alabama, including § 3-7A-2(a) as now existing or as may be hereafter amended or replaced.
 2. Sterilization of Impounded Animal. Each adopted animal shall be sterilized by a licensed veterinarian. If the animal has not been sterilized at the time of adoption, the person adopting the animal must enter into a written agreement with the City guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after adoption or the animal reaches sexual maturity. All costs of sterilization shall be the responsibility of the of the person acquiring the animal and shall be included in any fees charged by the City if sterilization is performed prior to acquisition. Any person acquiring an animal

that is not sterile at the time of adoption shall submit to the Animal Control Officer a signed statement from a licensed veterinarian attesting that a sterilization procedure has been performed by the veterinarian within seven (7) days after sterilization. The failure to comply with any provisions in this subsection shall be a violation of this ordinance.

3. Adoption Fees and Costs. At or before the time of adoption, the person adopting the animal shall pay to the City the following:
 - (a). the costs of boarding the animal for the period for which the animal has been impounded;
 - (b). immunization costs and penalty, if applicable;
 - (c). sterilization costs, if applicable; and
 - (d). the applicable adoption fee.
- B. Foster or Shelter Care. In placing animals for adoption, the Animal Control Officer shall be permitted to surrender custody of an animal to a rescue group, recognized humane society, or foster home approved by the City Council provided that such rescue group, humane society, or foster home agrees to comply with the provisions of this ordinance.

SECTION 7. ADOPTION FEES.

The purpose of the adoption fee shall be minimizing the costs of placing animals for adoption and the costs and expenses incurred by the City in impounding at-large animals who are not redeemed or adopted. The Animal Control Officer is hereby authorized to establish and from time to time increase or decrease the adoption fees required to be paid by the person adopting an animal, and in establishing or amending such fees, the Animal Control Officer shall consider the costs and expenses incurred by the City with respect to animals who are not redeemed or adopted.

SECTION 8. VIOLATIONS AND ENFORCEMENT.

- A. Penalties. Any person found guilty of violating any provision of this Ordinance shall be fined upon conviction not more than Five Hundred Dollars (\$500.00), imprisoned in the county or municipal jail for not more than six (6) months, or both.
- B. Schedule of Fines. The City Council may by resolution establish and from time to time amend a list of briefly described offenses against the provisions of this ordinance, with a basic fine amount set opposite each of the identified offenses. The list and amount so established shall be known as the At-Large Animal Ordinance Violations Penalty Sheet, and a certified copy of the resolution establishing such fines as last amended shall be and remain posted at the Ashland Police Department. An offender cited with a listed violation may pay the citation to the municipal court.
- C. Payment of Fine. Any person alleged to have committed an offense described in the At-Large Animal Ordinance Violations Penalty sheet who has not appeared, executed a bond

for appearance in municipal court, or is incarcerated and desires to waive his right to trial may pay the fine to the municipal court in settlement of the alleged offense.

SECTION 9. APPLICABILITY.

This ordinance shall have no applicability to an animal that is required to be inoculated against rabies and is impounded and quarantined due to (a) a suspicion or belief the animal is rabid or (b) an allegation or report that a person has been bitten by the animal.

SECTION 10. SEVERABILITY.

- A. Invalid or Unconstitutional Provisions. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- B. Conflicting Provisions. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed and rescinded.

SECTION 11. PROVISIONS CUMULATIVE.


The provisions of this Ordinance are cumulative and in addition to any other procedure now authorized by law for the accomplishment of the objectives hereinafter contemplated.

SECTION 12. EFFECTIVE DATE.

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

ADOPTED and **APPROVED** this 19th day of September, 2022.

CITY OF ASHLAND, ALABAMA



LARRY J. FETNER, its Mayor

ATTEST:



CHELSEY WYNN, Ashland City Clerk

STATE OF ALABAMA)
)
COUNTY OF CLAY)

CERTIFICATION OF PUBLICATION

I hereby certify that the Ashland Ordinance for the Impoundment, Redemption, and Adoption of At-Large Animals, September 2022, passed and adopted on the 19th day of September, 2022 as Ordinance No. **2022-09-06-01**, was published by posting at the following locations on the 20th day of September, 2022, at 1 o'clock p.m.:

1. Ashland City Hall (Mayor's office);
2. Ashland Public Library;
3. Ashland Post Office;
4. the Clay County Courthouse; and
5. City of Ashland website (<https://www.cityofashlandal.com/>).

All notices will remain posted for not less than thirty (30) days after posting.

CERTIFIED this 20th day of September, 2022.

CITY OF ASHLAND, ALABAMA



CHELSEY WYNN
City Clerk/Administrator