

ORDINANCE NO. 835

AN ORDINANCE ENTITLED "AN ORDINANCE IN RELATION TO CANINES AND RABIES; TO DEFINE WORDS AND PHRASES USED IN THIS ORDINANCE; TO PROHIBIT KEEPING OR HARBORING IN THE CITY ANY DOG WHICH HAS NOT BEEN VACCINATED; TO PRESCRIBE THE SUFFICIENCY OF SUCH VACCINATION; TO PROHIBIT DOGS RUNNING AT LARGE IN THE CITY; TO PROVIDE FOR THE IMPOUNDING OF DOGS RUNNING AT LARGE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR THE SALE, DESTRUCTION AND DISPOSAL OF DOGS IMPOUNDED; TO PROVIDE FOR THE PUNISHMENT FOR THE VIOLATION OF SAID ORDINANCE AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. As used in this ordinance, the term "the City" shall mean the City of Fairfield; and the word "dog" shall mean and include all members of the canine family which are three months old or more; and the word "puppy" shall mean and include all members of the canine family less than three months of age, and the word "person" shall mean and include human beings, firms, partnerships, corporations and associations; and the phrase "run at large" and derivatives shall include all times and places the animal is not confined or enclosed on the premises of the owner or person in charge in such manner as effectively to prevent its escape from such premises or is not attached to a leash in the hands of said owner or a person in charge; and the word "poundmaster" shall mean such person as may be so designated or employed by the City or by the Jefferson County Board of Health or by such other with whom the City may contract or arrange for the enforcement of the provisions of this ordinance; and the term "poundmaster's assistants" shall include all persons designated or employed by the poundmaster or his employer to assist said poundmaster in the performance of his duties; and the term "city pound" shall mean the place designated or used as such by the City or by the Jefferson County Board of Health or by such other with whom the City may contract or arrange for the maintenance and operation of a pound.

SECTION 2. It shall be unlawful for any person to possess, keep or harbor in the City any dog which has not been vaccinated as provided in Section 3 hereof within the preceding twelve (12) months.

SECTION 3. In order to be sufficient hereunder, vaccination shall be accomplished by a veterinarian duly licensed as such by the State board thereunto duly authorized, or shall be accomplished by a rabies inspector or deputy rabies inspector appointed pursuant to Section 3-7-10 of the Code of Alabama of 1975, by injection beneath the skin of the dog an amount of canine antirabies vaccine recommended by the manufacturer thereof, said manufacturer having been licensed to manufacture said vaccine by the U. S. Department of Agriculture, and said vaccine and the amount to be used must have been approved by the State of Alabama Health Department.

Any licensed physician may inoculate his privately owned dogs provided he reports such inoculations as required by law.

SECTION 4. It shall be unlawful for the owner or other person in charge of a dog, to permit such dog to run at large.

SECTION 5. It is hereby required that the metal disc issued by the veterinarian at the time of said dog's inoculation shall be worn by dog at all times.

SECTION 6. It shall be unlawful for the owner or other person in charge thereof to harbor or keep in the City a vicious dog, unless the same is securely confined or bound in such manner as to prevent such dog from biting or attacking a person or other animal. It shall be prima facie evidence that a dog is a vicious dog if it shall bite or fiercely attack any person whatever, or any other animal, such person or other animal at the time of said biting or attack not being on the owner's premises.

SECTION 7. Any dog running at large on school ground or public parks, or in close proximity thereto, or in places where children customarily congregate or play, or running in groups or packs with two or more dogs, or destroying or damaging public or private property, shall be deemed to be a nuisance and a menace to the health and safety of the citizens and shall be subject to being picked up and impounded as herein provided.

SECTION 8(a) Any dog found running at large may be picked up by a Rabies Control Officer and impounded in the shelter designated as the Rabies Control Center and there confined in a humane manner for a period of not less than three days, and thereafter be disposed of in a humane manner if not claimed by its owner; provided however, when the owner or person in charge of any such dog found at large or running at large is known or made known to the Rabies Control Officer, and said dog is otherwise in compliance with the other requirements set out in this ordinance, said Officer may issue a notice of ordinance violation to said owner or person in charge, in lieu of such impoundment. Any Sanitary Environmental Investigator, any duly authorized representative of the Jefferson County Health Officer, and any police officer of the City of Fairfield shall be authorized hereby to issue a notice of ordinance violation to the owner or person in charge of a dog found at large or running at large.

(b) The supervisor of the pound may transfer the title of any dog held in the pound to the Humane Society after the legal detention period has expired and the animal has not been claimed by its owners.

(c) Immediately upon impounding dogs, the poundmaster shall make every reasonable effort to notify the owners of such dogs impounded and inform such owners of the conditions whereby they may regain custody of such dogs.

SECTION 9. No dog over the age of three months shall be released from the pound, either to the owner or to a purchaser, unless and until the same has been inoculated as prescribed in this ordinance.

SECTION 10. Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Supervisor of the Rabies Control Center or his assistant the following:

(1) Board - \$1.00 per day; (2) The amount of inoculation fee, if necessary, as provided herein; and (3) Impoundment fee - \$20.00. Provided, that for a second such impoundment within a twelve calendar month period, such impoundment fee shall be \$25.00, and for a third or subsequent impoundment within such period, \$30.00. All impoundment fees shall be remitted to the City Clerk of the City of Fairfield.

SECTION 10A. Any person who has received a notice of violation, for allowing a dog owned by him or in his charge or control to be or to run at large, who has not appeared or

executed bond to appear in Recorder's Court to answer such charge, and who desires to waive trial of the question of his guilt or innocence of such charge and voluntarily to settle such charge out of court, may do so by voluntarily paying the sum of Twenty and 00/100 Dollars (\$20.00) to the Magistrate or Court Clerk of the City of Fairfield, no later than fourteen (14) days after issuance of such notice of violation. The Magistrate or Court Clerk is authorized to receive such amount in full settlement of such alleged offense and to give receipt therefor on behalf of the City of Fairfield. In the event of such payment, no prosecution for the alleged offense shall thereafter be instituted or maintained in Municipal Court. Any such offender may in lieu of voluntary settlement as aforesaid answer such charge in Municipal Court upon signing and delivering to clerk a bond in the amount of Fifty and no/100 (\$50.00) together with such surety on said bond as said clerk may reasonably require.

SECTION 11. The County Health Officer of Jefferson County shall have authority to quarantine or require confinement of any or all dogs, puppies, or other animals in any part or all of the City for such period of time and in such manner as he may determine whenever he considers same necessary for the control of rabies.

SECTION 12. Any person who shall entice any dog out of the enclosure of the owner, or who steals any dog shall, on conviction, be punished by fine not to exceed five hundred dollars (\$500.00) or by imprisonment in City Jail not to exceed 180 days or by both fine and imprisonment.

SECTION 13. (a) If any person shall suffer or permit on his lot or premises the loud and frequent or continued barking, howling or yelping of any dog, so as to annoy and disturb neighbors, such person shall, on conviction, be punished by fine not to exceed five hundred dollars (\$500.00) or by imprisonment in City Jail not to exceed 180 days or by both such fine and imprisonment.

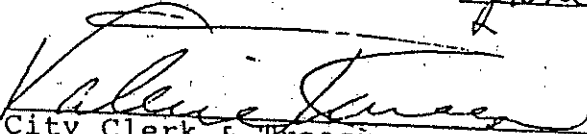
(b) It shall be unlawful for the owner or other person in charge of any dog to suffer or permit the loud and frequent or continued barking, howling, or yelping of such dog, so as to annoy and disturb neighbors.

SECTION 14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

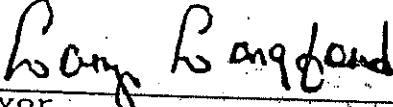
SECTION 15. Any person who shall violate or fail to comply with any of the provisions of this ordinance or who shall counsel, aid or abet any such violation or failure to comply, shall upon conviction be punished by fine not to exceed five hundred dollars (\$500.00) or by imprisonment in City Jail not to exceed 180 days or by both such fine and imprisonment.

SECTION 16. This ordinance shall become effective immediately upon its adoption, approval and publication as provided for by law.

Adopted the 18th day of June, 1990.


City Clerk & Treasurer

Approved the 19th day of June, 1990.


Mayor