

ORDINANCE 2020 - 6

DOG PROTECTION ORDINANCE

WHEREAS, there has been concern expressed about the proper care of dogs kept as pets in the City of Wetumpka; and

WHEREAS, the City desires to establish basic standards for the control and care of dogs kept within the City limits of Wetumpka, Alabama; and

WHEREAS, the City desires to replace its 2019-12 Dog Tethering Ordinance to make it illegal to place dogs on a trolley line.

II IS THEREFORE ORDAINED BY THE COUNCIL OF THE CITY OF WETUMPKA, ALABAMA, AS FOLLOWS:

SECTION 1.

DUTY TO RESTRAIN AND CONTAIN DOGS.

(1) It shall be the duty of every owner or person in charge of a dog to keep the animal under effective restraint, while the dog is within the city, whether or not the dog is upon the premises of its owner or away from said premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep the 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. Competent evidence that the failure was due to an unforeseeable and independent act of a third person shall shift the burden on the city to prove otherwise.

(2) The methods used to contain a dog while on his premises is within the discretion of the owner provided the conditions do not present a hazard to the dog, a hazard to the general public or otherwise fails to comply with the provisions of this ordinance. Ordinary containment methods include housing the dog inside of a residential structure, or if outside then by the use of a fence and/or pen, provided that the use of such method complies with the requirements herein.

CHAINING /TETHERING DOGS.

(1) Direct point chaining, tethering, and trolley chaining of dogs to any object, stationary or otherwise, is prohibited.

(2) Notwithstanding the foregoing, a dog may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar

exposition or event as long as it is conducted outdoors, is of a limited duration, and involves the judging or evaluation of animals; or, when under the care and supervision of a licensed veterinarian.

(3) In all cases, any person who tethers a dog in accordance with this section shall ensure that the animal is tethered in such a manner as to prevent injury, strangulation, entanglement or neglect.

(4) No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane tethering at any time. Cruel conditions and inhumane tethering are defined as, but not limited to, the following conditions:

a. Filthy and dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill the dog upon contact, or other circumstances that could cause harm to the dog's physical health.

b. Taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog.

c. Subjecting the dog to dangerous conditions, including but not limited to attack by other animals.

(5) Any dog kept habitually outside which is not constrained in accordance with the provisions of this section must be kept inside a residential structure, or in a fenced area or pen which is suitable for the size of the dog as determined by the animal control officer.

MINIMUM CARE OF DOGS LIVING OUTSIDE.

(1) Shelter.

a. Any dog that is habitually kept outside or repeatedly left outside unattended by an adult person, whether contained in a pen or contained in a fenced area, shall be provided with a structurally sound, moisture-proof and wind-proof shelter large enough to keep the dog reasonably clean and dry. A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.

b. A dog's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.

c. During the winter months, the shelter must not only be wind and moisture proof but also of a proportionate size to allow the natural body heat of the dog to be retained in cold weather.

d. A shelter for a dog must be a structure having four sides in addition to a roof and floor with one side having an entrance or an Igloo type structure specifically designed for outdoor housing of a dog. The dog must be able to enter, stand, sit, lie down and turn around in the shelter in a normal manner. Metal drums and transport carriers designed to move a dog from one location to another and which do not have solid walls, are not considered shelter.

e. The shelter floor shall be raised at least two inches above the ground and be free of cracks, holes or protruding nails or rough edges that could cause injury.

f. The shelter shall be maintained and cleaned regularly. The area around the shelter shall be kept clean of accumulated feces, garbage and any other debris.

g. The shelter shall be placed in an area that provides protection from the direct rays of the sun, when sunlight is likely to cause overheating or discomfort.

(2) Nutrition.

a. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted and secured to prevent tipping.

b. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.

VIOLATIONS:

Violations of this ordinance are declared a misdemeanor. Any person who violates any provisions of this section shall be guilty of a misdemeanor and, unless otherwise provided herein, shall, upon conviction or adjudication of guilt, be punished by a fine of not less than \$100.00 and in addition thereto may be punished by imprisonment or hard labor in the city jail or a combination thereof, for a period not exceeding six months and costs of court. However, the municipal judge shall have the authority and discretion to order community service for violation of this ordinance and in such an event the fines and court costs may be adjusted or remitted upon the completion of court ordered community service.

REMOVAL OF ANIMALS

In accordance §3-1-13 of the Code of Alabama any duly authorized officer or employee of a recognized humane society shall have the right to take charge of any animal which is sick or disable due to neglect or is being cruelly treated or abused and to provide care for such animal until it is deemed to be in suitable condition to be returned to its owner or the person from whose custody such animal was taken.

Therefore, in addition to the actions that may be taken under the Violations section of this Ordinance, the Animal Control Officer for the City of Wetumpka shall have the authority to remove any dog which is being held in violation of this Ordinance from its owner or person having custody and deliver it to the Elmore County Humane Shelter for care and keeping. The owner or custodian shall have ten (10) days after notice of said removal to remedy the violation or violations under this ordinance and retrieve the dog from the Humane Shelter. The owner or custodian shall be responsible for the cost of care for the period that it remains at the Humane Shelter and if the dog is not retrieved at the end of ten days then the Humane Shelter shall proceed according to §3-1-13 in handling the animal.

SECTION 2. Any former ordinance conflicting with the provisions of this ordinance is hereby repealed.

SECTION 3. The provisions of this ordinance are severable. Should any Section, Sub-section or provision of this ordinance for any reason be declared void or invalid, such action shall have no effect on the remaining provisions of this ordinance.

SECTION 4. This Ordinance shall become effective upon approval and publication as required by law.

ADOPTED AND APPROVED on this the 21th day of December, 2020.

Signed: _____
Jerry Willis, Mayor

ATTEST:

Tiffany Robinson, City Clerk