

ORDINANCE NO 06-1113

AN ORDINANCE TO FURTHER PROVIDE FOR THE RESTRAINT, AND CONTROL OF DOMESTIC ANIMALS IN THE TOWN OF MARGARET, ALABAMA,

BE IT ORDAINED: BY THE TOWN COUNCIL OF THE TOWN OF MARGARET, ALABAMA AS FOLLOWS:

Section One: Definitions.

At Large: A domestic animal shall be deemed at large when it is not under restraint by its owner or a competent person having charge or control of it or when it is not confined with in a wall, fence, vehicle or other enclosure in such a manner as to effectively prevent it from escape.

Town: The Town of Margaret, Alabama

Domestic Animal: All members of the canine family.

Owner: The term owner shall mean and include any person, group of persons or corporation having a right of property in a domestic animal, or who has care of it, or acts as its custodian, or who keeps it, allows it food, and refuge on or about premises occupied by such person or persons or who harbors it in any manner.

Under Restraint: A domestic animal shall be deemed to be under restraint when it is controlled by a leash, cord, chain or similar means in the hands of the owner or a competent person having charge or control of the domestic animal or when it is tethered in an human manner so as to remain upon private property and in the presence of the owners of such competent person.

Section Two: Enforcement

The provision of this chapter shall be enforced by the Town of Margaret, Alabama.

Section Three: Vaccination Required:

It shall be unlawful for the owner or any person to possess, keep or harbor in the Town any domestic animal over three (3) months of age which has not been vaccinated against rabies within the preceding twelve (12) months and tagged as required by Section 107 and 108, Title 22, Code of Alabama.

Section Four: Domestic Animal not allowed at Large

It shall be unlawful for the owner or any person having charge or control of a domestic animal to allow it to be or run at large.

Section Five: Responsible Domestic Animal Care

It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his animal:

- (a) sufficient quantity of good and wholesome food and water
- (b) proper protection and shelter from the weather
- (c) veterinary care when needed to prevent suffering: and
- (d) humane treatment

Section Six: Taking or causing escape

It shall be unlawful for anyone to take a domestic animal from the confinement or restraint of its owner or of the person in charge or control of it or to cause a domestic animal to escape from such confinement or restraint without specific permission therefore from the owner or person in charge or control of the domestic animal.

Section Seven: Nuisance Barking and Howling

It shall be unlawful for the owner of a domestic animal to suffer or permit (on his lot or premises), the loud and frequent or continues barking, howling, or yelping of any domestic animals as to annoy and disturb the peace.

Section Eight: Vicious Dog:

1. Any dog with a known personality, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals.
2. Any dog which without provocation attacks, or bites or has attacked or bitten, a human being or domestic animal.
3. Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contained as an element of its breeding the breed of American Pit Bull Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

5. It shall be unlawful for the owners of dog/dogs to possess or keep in the Town of Margaret a vicious dog/dogs unless same is securely confined or bound in such a manner as to prevent the dog/dogs from biting or attacking a person or other animal and a sign is prominently displayed/posted on the dog/dogs or on the premises where the dog/dogs are located which warns others that the dog/dogs is vicious.

Section Nine: Identification

Any domestic animal without property identification will be taken to Pell City Animal Shelter.

Section Ten: Insurance

Homeowners insurance required with Section 8.

Section Eleven: Penalties

Any person violating any of the provisions of this Ordinance shall be required to pay a penalty to the town clerk as follows:

- First offense - warning from Police Department
- Second offense - \$40.00
- Third offense - \$100.00
- Fourth offense - court appearance

Except in the case of any person who shall fail to confine or bind a vicious dog as provided in Section 8 hereof, the offender may enter a guilty plea by written waiver and same may be accepted by the Magistrate without the necessity of the offender appearing in municipal court

Section Twelve: Failure to Comply

Any person who fails to comply with the provision of this Ordinance shall be summoned to appear before the Municipal Judge, as provided by Supreme Court Rule, and shall, upon conviction, be guilty of a misdemeanor and shall be fined a sum not to exceed FIVE HUNDRED (\$500.00) dollars.

Section Thirteen: Validity

If any section, clause or provision of this Ordinance be declared Unconstitutional or held invalid, it shall not affect any section, clause or provision of this Ordinance.

Section Fourteen: Effective Date

This Ordinance shall become effective upon passage, approval and publication as required by law.

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ADOPTED AND APPROVED THIS THE 2nd DAY OF January, 2007.



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #06-1113 was adopted by the Mayor and Town Council on January 2, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on January 3, 2007.

1. Lee's Country Store


2. Margaret Post Office

3. Margaret Town Hall

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Ordinance# 06-113

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Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk