



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Ordinance: 16-2010-ORD

File Number: 16-0179

Enactment Number: 16-2010-ORD

Consider amendment to Animal Control Ordinance

WHEREAS, the City of Foley previously adopted animal control ordinances that pertained equally to cats and dogs; and

WHEREAS, the City desires to remove cats from the scope of some of the animal control ordinances as they pertain to animals at large;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Foley, Alabama as follows:

1. That Section 3-3 of the Code of the City of Foley (Ordinance 219) is hereby repealed and is replaced with the following:

Sec. 3-3. - Animals going on property of another.

It is unlawful for any owner or custodian of a dog or of a domesticated animal to allow such dog or domesticated animal to enter upon the property of another, unless accompanied by the owner of the dog or domesticated animal, or some custodian being charged with the care of the dog or domesticated animal, and should any dog or domesticated animal be found on the property of another, on complaint made by the person on whose property the dog or domesticated animal is found, the owner of such dog or domesticated animal may be punished as provided in section 1-8. As used in this Section 3-3, the terms "dog" and "domesticated animal" shall have the meanings ascribed to them in Section 3-22, and these meanings exclude cats.

2. That Section 3-22 of the Code of the City of Foley (Ordinance 1143-10 and 15-1010) is hereby amended to repeal and replace the definition of "Domesticated Animal" with the following:

Domesticated animal. Shall mean any animal used as a pet that is not a cat or a dog including, but not limited to, rabbits, squirrels, raccoons, pot-bellied pigs, birds, snakes, or reptiles.

3. That Section 3-28 of the Code of the City of Foley (Ordinance 1143-10) is hereby repealed and replaced with the following:

3-28. - Confinement of dogs in heat.

Every female dog in heat shall be kept confined by the owner or person in charge. At any time a female dog in heat is found to be causing a disturbance of any dog on adjoining premises, it shall be the duty of the owner or person in charge of said dog to immediately confine said dog in a manner so as to avoid such disturbance.

4. That Section 3-29 of the Code of the City of Foley (Ordinance 1143-10 and 15-1010) is hereby repealed and replaced with the following:

Sec. 3-29. - Duty of animal owners.

(a) Duty to restrain dogs. It shall be the duty of every owner or person in charge of any dog to keep said animal under effective restraint, while the same is within the limits of the city, whether or not said dog is upon or away from his or her premises with the exceptions of City of Foley designated off-leash areas that allow such off-leash activities. It shall be unlawful for the owner or person in charge of any dog to fail to keep said animal under effective restraint. Proof that a dog was not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense; however, competent evidence that said failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the city to prove otherwise.

(b) Prevent damage to property. It shall be unlawful for the owner or person in charge of any dog or domesticated animal within the City of Foley known to said person to habitually cause destruction or damage to the property of another to allow said dog or domestic animal to run at large.

(c) Condition of premises.

(1) The premises where any dog, cat or domesticated animal is kept shall be free from unsanitary droppings, refuse and odors, or in a condition to breed flies or infestation of fleas. Unsanitary or inhumane living conditions for these animals will not be allowed. A police officer shall notify the owner or person in charge of the premises to remove such matter or cure such condition within a reasonable time, to be fixed by the police. If such condition is not remedied within the time so fixed, a police officer shall issue a citation to the owner or person in charge. Animals found in cruel, abusive or neglectful situations may be promptly impounded if the life or health of the animal is at risk. If no contact is immediately made with the owner, then a written notice shall be left indicating the location of the animal and the reason for impoundment. The animal may remain impounded until the condition has been corrected.

(2) An owner or person in charge of any dog, cat or domesticated animal shall provide adequate shelter from the elements if the animal is kept outside. Adequate food and water shall be made available to the animal. Where any dog, cat or domesticated animal is humanely tied to a runner, such runner shall be a minimum of twenty (20) feet long and the animal shall have a minimum shade area or structure that allows the animal to escape direct sunlight.

(3) No dog, cat or domesticated animal shall be restrained with a

restraining device less than six (6) feet long unless walking or training such animal.

(4) No dog, cat or domesticated animal shall be placed, confined or allowed to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or welfare of the animal because of temperature, lack of food or water, or such other conditions as may reasonably be expected to cause suffering, disability or death.

(d) Right of entry to inspect. A Foley Police Officer shall have the right, and it shall be the officer's duty, to enter upon any property, except a private dwelling house, for the purpose of inspecting any living condition for an animal for which there is a reasonable suspicion to believe that there exists thereupon a violation of this article.

5. That Section 3-30 of the Code of the City of Foley Ordinance 1143-10) is hereby repealed and replaced with the following:

Sec. 3-30. - Stray dogs or domesticated animals may be taken up.

Any person in the City finding any dog or domesticated animal running at large about his own premises or residence, or the residence of which he is in charge, may have such animal confined by the police department as an at large animal or stray.

6. That all other ordinances or codes in conflict with these provisions are hereby repealed.

PASSED, APPROVED AND ADOPTED this 18th day of April, 2016.

President's Signature _____

Date _____

Attest by City Clerk _____

Date _____

Mayor's Signature _____

Date _____