

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF HENAGAR

ORDINANCE NO: 2014-08-11

AN ORDINANCE OF THE CITY OF HENAGAR, ALABAMA, TO ADDRESS
ANIMAL CONTROL ISSUES WITHIN THE COPORATE LIMITS OF
THE CITY OF HENAGAR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENAGAR
AS FOLLOWS:

Section I – Definitions

- (a) The term “dog” shall mean and include all members of the canine family three (3) months or more of age.
- (b) The term “person” shall mean and include individuals, firms, partnerships, and associations, the singular shall include the plural, and the masculine the feminine.
- (c) The term “owner” shall mean and include a person having a right of property in the dog, or who keeps or harbors a dog or who has it in his care, or acts as its custodian, or who permits a dog to remain on or about any premises occupied by him.
- (d) “Nuisance Dog” means an animal that threatens the safety of or damages a member of the general public or interferes with the ordinary use and enjoyment of other’s property.
- (e) “Vicious Dog” means a dog which has, at any time, attached or bitten a person off the premises of the dogs owner or keeper, a dog who disturbs and annoys passers-by who are lawfully on a public street, in a public park or on school grounds, whether or not such dog is on a public street.
- (f) The tem “inoculation against rabies” shall mean the injection, subcutaneously or otherwise, as approved by the State Health Officer and the State Veterinarian, of canine or feline anti-rabies vaccine, approved by the State Health Office and the State Veterinarian.
- (g) “Service Animals” shall mean any dog that has been specifically trained to provide assistance to those persons who suffer from an impairment of a visual, hearing or physical impairment and said dog is engaged in the assistance of providing assistance to its owner in the normal line and scope of its duties.

Section 2. Unlawful Activities

It shall be unlawful for any person to possess, keep or harbor in the City of Henagar any dog which:

(a) Has not been inoculated against rabies, pursuant to and as required and provided for by the laws of the State of Alabama.

(b) Dog at Large – It shall be unlawful for any dog to be at large within the corporate limits of the City of Henagar, off of the premises of the owner. The owner of any dog failing to keep said dog confined on his own premises shall be guilty of a violation of this ordinance. Providing nothing in this section shall prevent the owner of any dog from allowing the dog to accompany such owner off the owner's premises under circumstances where the dog is kept on a leash. Nothing within this section shall prohibit an owner from using hunting dogs to hunt upland game or migratory birds during hunting seasons established by the Alabama Department of Conservation and Natural Resources without the use of leash provided that the hunter has the consent of the land owner where the hunting is taking place.

Section 3. Issuance of Citations and Warrants

When any animal is found by the animal control officer or a police officer to be in violation of any provision of this ordinance, and the person or persons responsible become known to the animal control officer or any police officer, that officer may:

(a) Issue a citation to the owner or persons in charge for said violation directing him to appear in Municipal Court at the time and date cited therein to answer to charges of violations of this ordinance, and said charges shall be stated in the citation.

(b) Obtain a warrant for violations of any provisions of this ordinance issued by the Municipal Judge or Magistrate of the City which shall be served by a duly sworn officer of the Henagar Police Department.

Section 4. Penalties

A violation of this ordinance shall be subject to a penalty of up to \$500.00 fine, court cost and incarceration in the City Jail for up to six (6) months.

Section 5. Severability

If any section, sentence, clause, phrase, worked or part of this ordinance is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentences, clauses, phrases, works, or parts of this ordinance.

ADOPTED this the 11th day of August, 2014.

CITY OF HENAGAR

By 
Earl Lacy, Mayor

ATTEST:


Stephanie Bryan, Clerk

(Seal)