

ORDINANCE NUMBER 219

R E C I T A L S

WHEREAS, the City of Foley, along with other municipalities in the South portion of Baldwin County, Alabama, is unable, due to the limited resources, to adequately protect its citizens from fear and damage caused by dogs running at large, it being recognized that to properly enforce any ordinance providing for dogs not properly tagged, identified, or inoculated, to be picked up and disposed of in some humane manner would require considerable expenditure of funds, and

WHEREAS, the City of Foley believes, and therefore asserts, that it is the responsibility of the owner of a pet to save harmless all other citizens of the City of Foley from damage caused by said pet and to protect other citizens from attacks, injury and fear from such pets. It further being acknowledged by the City of Foley that most owners of pets will accept the responsibility of ownership and recognize that it is not only to the best interest of the municipality, but essential for the health and well being of the other citizens and visitors of Foley that proper control and supervision be exercised. It is, therefore, concluded by the Mayor and Council of the City of Foley that failure to properly exercise control, restraint and supervision of pets is a matter of such gravity that punishment of those persons so failing has become necessary in the best interest of the other citizens and visitors to the municipality,

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

1. That from and after the 1st day of July, 1975, each and every dog, male or female, of any age, which leaves the property of its owner or custodian by going upon the public streets or ways, or upon the property of others, must bear a collar or device showing the name and address of the owner and containing a tag or other evidence of inoculation for rabies as issued in the

current year by the department of the State of Alabama charged with such responsibility.

That any dog of any age or sex found upon any property other than that of its owner or custodian, including but not limited to public streets, ways, or alleys of the City of Foley, and such animal does not have a collar or similar device containing the name and address of the owner and an official current inoculation tag or device as referred to in the foregoing section, such dog shall be considered as a stray animal and may be picked up by any person, and all obligations for the care, maintenance or humane disposition of such animal will be considered as done and accomplished on delivery of said animal to a person licensed in veterinary medicine. In addition to the above, the owner of said dog, if known, may be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for allowing said dog off of the property of the owner or custodian without proof of current inoculation and name and address of owner being on a collar or similar device, and on a third offense may be imprisoned in the City or County jail not to exceed thirty (30) days, either or both such fine and imprisonment.

3. It is unlawful for any owner or custodian of a dog or animal to allow said dog or animal to enter upon the property of another, unless accompanied by the owner of the dog or some custodian being charged with the care of the animal, and should any dog or animal of any age or sex be found on the property of another, on complaint made by the person on whose property the dog is found, the owner of said dog may be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a third offense may be imprisoned in the City or County jail not to exceed thirty (30) days, either or both such fine and imprisonment.

4. It shall be unlawful for any owner or custodian of a dog of any age or sex to allow or permit said dog to cause injury or fear of injury to any person on the public streets, alleys,

parks or grounds of the City of Foley, and should said dog cause injury or fear of injury, on complaint of such person injured or put in fear, the owner of said animal may be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a third offense may be imprisoned in the City of County jail not to exceed thirty (30) days, either or both such fine and imprisonment.

5. It shall be unlawful for any owner or custodian of any dog of any age or sex to permit said dog to cause injury to the property of any other person or fear of injury to any person when said dog is off of the premises of the owner or custodian and on the property of another, and should said dog cause damage or injury to property or cause injury or fear of injury to any individual when said dog is on the property of another not its owner or custodian, on complaint of such person caused damage or injury, or put in fear, the owner of said animal may be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a third offense may be imprisoned in the Town or County jail not to exceed thirty (30) days, either or both such fine and imprisonment.

6. The provisions of this ordinance are severable, and the invalidity of any portion or part thereof shall not cause the invalidity of the entire ordinance or other provisions or selections not found to be invalid.

ADOPTED this the 19th day of May, 1975.

L. W. Brannan
Mayor

ATTEST:

Lillian Hill
City Clerk

The foregoing ordinance having been read in full, motion was made by Councilman Jaster that the rules be suspended for its immediate consideration, which motion was seconded by

Councilman Wright, and on being put to roll call vote, voting "aye", Mayor Brannan, Councilmen Foster, Wright, Smyth, Cole and Wengel; voting "Nay", None. Whereupon the Mayor announced the rules suspended for immediate consideration. Councilman Foster then moved that the Ordinance be adopted, which motion was seconded by Councilman Wengel, and on roll call vote being taken, voting "aye", Mayor Brannan, Councilmen Foster, Wright, Smyth, Cole and Wengel, and voting "Nay", None. The Mayor thereupon announced the Ordinance was adopted.