

ORDINANCE NUMBER 22-2583

AN ORDINANCE OF THE CITY OF HOOVER TO MODIFY CHAPTER 4, ANIMALS AND FOWL, AND TO REPEAL ALL ORDINANCES AND PARTS OF THE ORDINANCES OF THE CITY OF HOOVER IN CONFLICT THEREWITH.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Hoover, in regular meeting duly assembled, a quorum being present, as follows:

Section 1. Modification of Chapter 4, Animals and Fowl

- A. Chapter 4 of the Municipal Code of the City of Hoover, Alabama is hereby amended to add the following as subsection (c) to Sec. 4-21. – Running at large as follows:

CHAPTER 4. – ANIMALS AND FOWL

ARTICLE II. – ANIMAL REGULATIONS

Sec. 4-21. - Running at large; Nuisance.

- (c) It shall be unlawful for any person to allow an animal, including cats and fowl, running at large and owned by such person to damage the property of another so as to constitute a public nuisance, as defined by this section. By way of example and not of limitation, allowing or permitting an animal to repeatedly or habitually damage the property of anyone other than its owner, including but not limited to, getting into or turning over garbage containers and damaging gardens, flowers and vegetables, is hereby declared to be a public nuisance and is therefore unlawful. For the purposes of this section, damage shall be anything that causes monetary damage to the property of another or that works an undue hardship on another person.

The remainder of Sec. 4-21 shall remain unchanged.

- B. Chapter 4 of the *Municipal Code of the City of Hoover, Alabama* is hereby amended to delete Sec. 4-25. – Voluntary settlement of citations in its entirety and replace it with the following:

CHAPTER 4. – ANIMALS AND FOWL

ARTICLE II. – ANIMAL REGULATIONS

Sec. 4-25. – Penalty.

Any person violating any provision contained in this article shall be punished in accordance with the provisions of Chapter 1, section 1-5 of the Hoover Municipal Code.

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions

of this ordinance. The City of Hoover hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. LEGAL RIGHTS NOT IMPAIRED. That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE. That the City Clerk of the City of Hoover is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE. That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Hoover does hereby ordain, resolve, and enact the foregoing Ordinance for the City of Hoover.

Done this the 7th day of November, 2022.

John B. Lyda, Council President

APPROVED BY:

Frank V. Brocato, Mayor

ATTESTED BY:

Wendy Dickerson, City Clerk