

**ORDINANCE NO. 2023-379**

**AN ORDINANCE REPEALING CHAPTER 6, ARTICLE I, SECTION 6-5 OF THE  
MADISON CITY CODE**

**WHEREAS** upon the recommendation of the Chief of Police the City Council seeks to repeal those provisions of the City Code providing for the Police Department to place, monitor and remove humane animal traps.

**BE IT ORDAINED** by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended to repeal the following provision of Chapter 6, Article I, Section 6-5 as follows:

**Section 1.**

**“Sec. 6-5. - Humane animal traps.**

- (a) Any animal control officer, in order to apprehend animals in violation of this chapter, and which are otherwise difficult to apprehend, is hereby authorized to humanely capture said animals by placing a humane animal trap upon city property, or upon private property with owner's permission in writing.
- (b) If placed on private property, it shall be the duty of the citizen to check the trap daily and immediately contact animal control to report trapped animals.
- (c) No humane animal traps shall be set on any Friday or any day before an observed holiday.
- (d) It shall be unlawful for any person to molest or tamper with any humane animal trap or to interfere with the animal control officer in setting or servicing any such trap.
- (e) The city will provide a humane animal trap for wildlife if the wildlife is causing destruction to the residence or presents an immediate health hazard. The trap will be placed in or around the homeowner's residence or inside of the garage, not including crawl space and attic space. It shall be the resident's responsibility to check the trap daily and call animal control for removal of any trapped animal.
- (f) If any dog or cat is captured in a humane trap that is not on their owner's property, it shall be presumed that the owner has allowed, suffered, or permitted such animal to run at large, at which time the animal control officer will issue a citation or summons as provided in Section 6-12.”

**Section 2.** All remaining sections of Chapter 6, Article I shall be renumbered upon the repeal and removal of Section 6-5.

**Section 3.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or

application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 4.** No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 5.** This ordinance shall become effective immediately upon its adoption and proper publication as required by law.

**READ, PASSED AND ADOPTED** this 27<sup>th</sup> day of November 2023.

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***Ranae Bartlett, Council President***  
**City of Madison, Alabama**

**ATTEST:**

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***Lisa D. Thomas, City Clerk-Treasurer***  
**City of Madison, Alabama**

**APPROVED** this \_\_\_\_ day of November 2023.

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***Paul Finley, Mayor***  
**City of Madison, Alabama**