

ORDINANCE NUMBER HL2020-03

**AN ORDINANCE TO CONTROL DOGS
WITHIN THE TOWN LIMITS OF HIGHLAND LAKE**

BE IT ORDAINED BY THE TOWN COUNCIL OF HIGHLAND LAKE, ALABAMA, AS FOLLOWS:

SECTION 1: TERMS DEFINED

Whenever used in this article, unless a contrary intention is clearly evident, the following terms shall be interpreted as herein defined.

- (a) The word “dog” shall mean but not be limited to all members of the canine family (Canidae), of either sex, of any age, whether or not vaccinated against rabies as required by law. This shall include pet wolves (*Canis lupus*), pet fox (*Vulpes fulva*) and pet coyotes (*Canis latrans*). No such animal, however, shall be held to be a dog within the terms of this section unless it is three (3) months old or more.

- (b) The word “VICIOUS DOG” or “DANGEROUS DOG” shall mean and include:
 - 1. Any DOG which because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property; or
 - 2. Any DOG which has behaved in such a manner that the owner thereof knows or should reasonably know that the DOG is possessed of tendencies to attack or to bite human beings or other animals; or
 - 3. Any DOG certified by a doctor of veterinary medicine, after observation thereof, as posing danger to human life, animal life, or property upon the basis of reasonable medical probability; or
 - 4. Any DOG that commits an “unprovoked” attack on a person or animal on public or private property. An “unprovoked” attack by a DOG shall mean that the animal was not hit, kicked, or struck with an object or part of a person’s body nor was any part of the animal’s body pulled, pinched or squeezed by a person nor was the DOG verbally or physical taunted in any way whether there will be physical contact or not; or
 - 5. Any DOG that attacks or threatens to attack a person; or
 - 6. Any DOG owned or harbored primarily or in part for the purpose of DOG fighting or any DOG trained for DOG fighting.

- (c) The word “person” shall mean and include individuals, corporations, firms, partnerships and associations. The singular shall include plural, and the masculine, the feminine and neuter.

- (d) The word “owner” shall mean and include any 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.

SECTION 2: DOGS RUNNING AT LARGE PROHIBITED

- (a) It shall be unlawful for any dog to be at large to the point of becoming a nuisance to other property owners or to public safety. The owner or keeper of any dog failing to keep said dog under control shall be guilty of a violation as set forth in section 8 of this ordinance.
- (b) It shall be no defense in any prosecution for a violation of this section that such dog was at large without the knowledge, consent or permission of the person charged with such violation.
- (c) It shall be unlawful for the owner of any female dog to permit such dog, while she is in season, to be at large or unconfined in the town or its police jurisdiction, upon any street or public place or upon the private premises.
- (d) It shall be unlawful for the owner of any female dog, while she is in season, to have such dog confined in such a manner as to allow access to her by other animals.
- (e) It shall be no defense in any prosecution for violation of subsections (d) and (e) that such female dog was at large or that other dogs had entered the area of confinement without the knowledge, consent or permission of the persons charged with such violation.

SECTION 3: CONTROL OF DOGS ON TOWN PROPERTY

- (a) It shall be unlawful for any person to bring an animal onto Town property without proper restraint. Town property includes the town fishing pier, boat slips, boat launch ramp and pier, parking areas, municipal buildings, park and walking trails.
- (b) Owners desiring to bring their animals to these areas are required to keep them under control at all times. Animals MUST be maintained on a leash or appropriate restraint (defined as physical connection between owner and animal, not to exceed 12 feet in length).
- (c) Animal defecation on Town property MUST be collected by owner and disposed of in the appropriate container provided by the Town.

SECTION 4: IMPOUNDMENT, GENERALLY

Whenever a dog is found in or about any street thoroughfare, place, lot or premises contrary to the provisions of this ordinance, it shall be the duty of the Chief of Police, any police officer or any other person employed by the Town for that purpose to take such animal into custody and remove or cause the same to be removed to the dog owner or to the Blount County Animal Shelter and placed in the charge of the dog owner or the pound master. A dog so impounded under the provisions of this ordinance may be redeemed from the pound by the owner thereof in accordance with the rules and regulations of the Blount County Animal Shelter.

SECTION 5: BARKING OR HOWLING DOGS

It shall be unlawful for the dog owners or other person in charge of any dog to suffer or permit the loud and frequent or continued barking, howling or yelping of such dog as to annoy or otherwise disturb the neighbors.

SECTION 6: VICIOUS DOGS

It shall be unlawful for the owner or person in charge thereof to harbor or keep in the town a vicious dog unless the same is securely confined or bound in such a manner as to prevent such dog from biting or attacking a person or animal (including other dogs). Failure to comply with these restrictions will result in the owner being required to remove the dog from the town limits. It shall be Prima Facia evidence that a dog is a vicious dog if it should bite or attack any person, or any other animal, such person or other animal at the time of the biting not being legally on the owners premises.

SECTION 7: CLEANLINESS OF PREMISES

The premises where any dog is kept shall be maintained at all times in a clean and sanitary condition meeting with the approval of the town, county and/or state health authorities.

SECTION 8: VACCINATION PREREQUISITE

It shall be unlawful for any person to possess, keep or harbor, in the town, after the effective date of this ordinance, any dog not having been vaccinated as provided by Section 3-7A-2 of the CODE OF THE STATE OF ALABAMA, as amended as the same now exists, or may hereafter be required.

SECTION 9: NOTICE

Whenever it comes to the attention of the Mayor that any condition exists as defined in Sections 2 thru 8 of this Ordinance in the Town of Highland Lake, Alabama, a notice in writing shall be served upon the owner or person in charge or control of the dog.

SECTION 10: PENALTIES

A. Any condition found to exist as described in Section 2 thru 6 of this Ordinance is declared to be a public nuisance and further constitutes an offense under this Ordinance which is designated as a violation within the meaning of Title 13A Criminal Code, Code of Alabama, 1975, as amended. Upon the determination of the Mayor of the Town of Highland Lake, Alabama, or his/her subordinate that any violation of this Ordinance exists after notice, such official shall issue a citation to the owner or person in charge or control of the dog. The citation shall identify the violation and shall notify the Defendant to appear in the District Court of Blount County, Alabama, at the time and place stated in the citation to answer the charge. The Defendant shall have all rights secured to persons charged in the Town with

violations generally. If the Defendant is found guilty by the District Court of Blount County, Alabama, the Court may impose a fine or imprisonment or both and court costs. Violations of this Ordinance are punishable by a term of imprisonment in the Blount County Jail not to exceed 30 days and a fine not to exceed \$500.00. In the event that District Court for Blount County, Alabama, determines that a violation of this Ordinance exists, in addition to the fine or imprisonment as set out herein, it shall declare that a violation exists and shall make an Order requiring the abatement and removal of same within five (5) days from the making of said Order.

B. For a first offense, the owner or person in charge shall be required to pay a fine of \$50.00. For a second offense, the owner or person in charge shall be required to pay a fine of \$75.00. For a third offense, the owner or person in charge shall be required to pay a fine of \$100.00. For a fourth or subsequent offense, the owner or person in charge shall have a complaint filed against him or her in the District Court of Blount County, Alabama and punishment shall be determined by the District Court Judge. The fines for a first, second or third offense shall be paid to the Town Clerk at the Highland Lake Town Hall. Failure to pay the fine for a first, second or third offense may result in charges being brought against the owner or person in charge in the District Court for Blount County, Alabama.

Multiple offenses for one dog, shall be cumulative within twelve (12) months from the date of the first offense. Repeat citations for the same offense may be issued in ten (10) day intervals.

C. Any person convicted of any offense provided for herein by the Blount County District Court shall have the right to appeal to the Blount County Circuit Court, Criminal Division, for a trial de novo by filing within the same time and in the same manner as prescribed by law for violations generally. Trial by jury may be obtained by proper demand in accordance with the law for violations generally.

SECTION 11: COMPLAINTS

Complaints regarding dogs shall be filed at the Highland Lake Town Hall. Appropriate investigation will be promptly conducted by authorities and a report filed with the appropriate offices.

SECTION 12: REPEALER

Upon passage of this ordinance, Ordinance HL-11-02 and Amendments are hereby repealed.

Adopted and approved on this 7th day of July 2020.

Donna Hanby, Mayor

Carl Randall, Council

Sid Nelson, Council

Ramzi Malek, Council

Chase Moore, Council

ATTEST:

Joan Shirley, Town Clerk