

CITY OF CORDOVA, ALABAMA
DOG ORDINANCE
#001-2010

Sec. 1-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

At large. Unrestrained and not under the control of the owner or other person acting for the owner, such control to be exercised either (1) by confinement within a fence, wall or other enclosure in such a manner as to effectively prevent, the escape of the dog or to prevent access to the dog by an outside person; or (2) when the dog is in a public place and off the premises of the owner by the restraint of the dog by a leash, cord or chain not more than six (6) feet in length and secured to a collar, with swivel connections, in such a manner as to effectively prevent the escape of the dog. It is provided further that no dog shall be restrained in an inhumane manner.

Chief animal control officer. The person or persons designated by the Mayor and the Cordova City Council who shall be primarily responsible for the enforcement of this article.

Dog. All members of the canine family including pet foxes, wolves and other such members of the canine family.

Owner. Any person owning, keeping, possessing, harboring or maintaining a dog within the city.

Sec. 1-2. Appointment of chief animal control officers; responsibilities regarding enforcement of this article.

- (a) The Cordova City Council may choose a chief animal control officer and such deputies and assistants as may be necessary (which may include Mayor, police, city employees, and water and gas employees). It shall be the duty of the chief animal control officer to enforce the provisions of this article; to catch and transport for the purpose of impounding any dog running at large within the city; to attempt to rid the city of stray, homeless, unclaimed and diseased dogs; to cooperate with the humane officer and the county rabies inspector; and to perform such other duties as may be prescribed by the City Ordinance and the Cordova City Council.

- (b) The chief animal control officer, his deputies and assistants and members of the police department shall have the right, for the protection of the public health, welfare and safety, to enter upon any property within the city for the purpose of capturing and impounding any dog found running at large. The chief animal control officer, his deputies and assistants and members of the police department, upon verified written complaint that a dog has bitten a human being, shall have the further right, for the protection of the public health, welfare and safety, to enter upon any property within the city for the purpose of capturing and confining the dog. The chief animal control officer, his deputies and assistants and members of the police department shall make a written report to the Cordova Police Department who will then notify the Walker County Health Department of the incident and they will carry out the complaint according to their policies and procedures as prescribed in Title 3 of the Code of Alabama, 1975, as amended. If at any time the dog is deemed an immediate threat to the chief animal control officer, his deputies and assistants or members of the police department or any other person, the dog may be destroyed by such persons and a report of the incident shall be filed with the Cordova Police Department. Any person violating any provisions of this subsection shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in jail or at hard labor for a period not exceeding six (6) months, or by both such fine and imprisonment at the discretion of the municipal judge.

Sec. 1-3. Killing of rabies suspect dog.

It shall be the duty on every animal control officer, deputies and assistants and members of the police department to promptly kill any dog as defined by statute, which exhibits pronounced symptoms of rabies on any public street or other public place in the city or its police jurisdiction or when such symptoms are exhibited by any animal held for transport to the Walker County Humane Society.

Sec. 1-4. Running at large and chained dogs prohibited.

- (a) Confinement of dogs on private premises. It shall be unlawful and punishable as a misdemeanor for any person owning, keeping, possessing, harboring or maintaining a dog to cause, permit or allow such dog to be at large on or about any place, lot, or premises or portion of same within the city. All dogs within the city shall be kept:

(1) Confined within a fence, wall or other enclosure in such a manner as to effectively prevent the escape of such dog. The enclosure shall be a minimum size of 10 x 10. Small enclosure must have a washable surface such as concrete or asphalt or so type of floor that can be cleaned in order to control flies, feces, smell and other health reasons. Large enclosures must be kept cleaned and limed as needed.

(b) Restraint of dogs in public places and off premises. It shall be unlawful and punishable as a misdemeanor for any person owning, keeping, possessing, harboring or maintaining a dog to cause, allow or permit such dog to run or be at large upon any street, alley, thoroughfare, sidewalk, or public place in the city unless such dog is attached to a leash, cord or chain of not more than six (6) feet in length and secured to a collar, with swivel connections in such manner as to effectively prevent the escape of the dog, and with the leash, cord or chain being in the hands of the owner or other person in charge of such dog and if deemed as vicious must be muzzled. The muzzle must be of such design as to prevent the dog from biting any person or animal.

Sec. 1-5. Confinement of female dogs in heat.

The owner of any female dog, shall confine such dog while the dog is in heat, even though said dog may have been inoculated and is wearing an inoculation tag.

Sec. 1-6. Annual inoculation required.

It shall be unlawful for any person to own, possess, keep, maintain or harbor a dog within the city without having such dog inoculated annually for rabies, as required by the applicable provisions of the Code of Alabama. Any dog which is found not to have the proper inoculations shall be caught, taken and transported by the chief animal control officer, his deputies, assistants and/or members of the police department to the Walker County Humane Society. Any such dog so impounded will become the property of the Walker County Humane Society and as such will be released according to their policies and procedures.

Sec. 1-7. Collar or harness required; tag to be attached; removal, etc. prohibited.

Each dog over the age of three (3) months shall wear a substantial, durable collar or harness, to which the inoculation tag, provided for in the applicable provisions, of the Code of Alabama shall be attached. It shall be unlawful to attach such tag by wire, rope or other inhumane means. No person shall remove the collar or inoculation tag, or either, from any dog without consent of its owner. It shall be unlawful for any person to permit or allow any dog in his charge or control to wear a dog inoculation tag issued for a different dog.

Sec. 1-8. Impoundment of dogs found at large; redemption procedure; disposition of unredeemed dogs.

Any dog which is found at large on any street, sidewalk, alley, thoroughfare or other place in the city shall be caught, taken and transported by the chief animal control officer, his deputies, assistants and/or members of the police department to the Walker County Humane Society. Any such dog so impounded will become the property of the Walker County Humane Society and as such will be released according to their policies and procedures. If at any time the Walker County Humane Society will not accept dogs for impounding, the City of Cordova will house said dog and will charge the owner a fee of \$10.00 a day to cover the cost of food and housing.

Sec. 1-9. Inhumane treatment of dogs prohibited.

It shall be unlawful for the owner or keeper of any dog to keep same in any enclosure or to keep the same on any leash or other restraint unless that same shall be so arranged that such dog shall at times have available water, shade and proper shelter; or to treat any dog in any other inhumane manner.

Sec. 1-10. Impounding of dogs upon premises of other than owner.

Any dog, whether wearing an inoculation tag or not, which is found upon the premises of a person other than the owner or keeper thereof, shall, at the request of the owner, or his duly authorized representative, of such premises, be impounded by the chief animal control officer, his deputies and assistants and members of the police department as provided in this article. Such dog may be redeemed from the shelter or Walker County Humane Society according to their policies and procedures.

Sec.1-11. Maximum number of dogs allowed at a single residence within the Municipality

The keeping and maintenance of large numbers of dogs on residential premises is detrimental, or liable to be detrimental, to the good order, health and general welfare of the inhabitants of the City of Cordova the following shall apply:

1. **Maximum allowable number of dogs at single family residence.**
Except as otherwise provided in this Ordinance, no person shall keep more than a total of two (2) yard dogs per household in a single family residence.

3. **Exceptions.**

The provisions of Section 1 shall not apply to the following types of property or conditions:

- (a) Where the maximum allowable number of animals is exceeded due to birth(s), the property owner shall have six (6) weeks following such birth(s) to achieve compliance with Section 1 or Section 2, as applicable. This exception is not meant to allow the operation of puppy mills. If an owner miss uses this exception the dogs will be taken and transported by the chief animal control officer, his deputies, assistants and/or members of the police department to the Walker County Humane Society. Any such dog so impounded will become the property of the Walker County Humane Society and as such will be released according to their policies and procedures

Sec. 1-12. Procedure for reporting dogs which habitually makes or emits sounds or noises as to be a public nuisance.

It shall be unlawful for dogs who are kept at any place or on any premises within the city which habitually, continuously or intermittently makes or emits sounds or noises of such volume, nature or extent as to be a public nuisance by reason of being obnoxious or annoying to any person in that neighborhood.

It shall be prima facie evidence that a dog makes or emits sounds or noises of such volume, nature or extent as to be a public nuisance by reason of being obnoxious or annoying to the person in that neighborhood, when a person located within two thousand feet (2,000) of the premises where the dog in question is confined, harbored or kept, shall be deemed a nuisance and the person shall file a complaint with the Cordova Police Department.

Sec. 1-13. Interference with enforcement of article.

- (a) It shall be unlawful and punishable as a misdemeanor for any person to hinder, molest or interfere with any person authorized or empowered to perform any duty under this article.
- (b) Any person violating any provisions of this subsection shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in jail or at hard labor for a period not exceeding six (6) months, or by both such fine and imprisonment at the discretion of the municipal judge.

SECTION 2. VICIOUS DOGS

Sec. 2-1. Vicious dog defined; prima facie evidence of viciousness.

A "vicious dog" is herein defined as a dog which has bitten or shall without provocation bite, lunge, attempt to attack or fiercely attack any person or other animal. It shall be prima facie evidence that a dog is a vicious dog if it shall without provocation bite or shall fiercely attack any person or any other animal.

Sec. 2-2. Confinement required.

It shall be unlawful for the owner or other person in charge thereof to keep in the city a vicious dog, unless the same is securely confined, in such a manner as to prevent someone from entering the enclosure and to keep such dog from biting or attacking a person or other animal.(Section 1-4 (a) 1)

Sec. 2-3. Enclosures for vicious dogs – Posting of premises.

Whenever a vicious dog is permitted to run at large within a wall, fence or other enclosure, it shall be the duty of the owner or person in charge of such dog to give public notice or warning that such dog is at large within such enclosure by conspicuous posting a written or printed notice on every entrance to such enclosure. Such enclosures should be secured where the public can not enter the area without owners knowledge.

Sec.2-4. Reporting of vicious dogs – by complaint; procedure upon first indication of viciousness.

When any person claims that a dog is vicious, he shall make a complaint to the Cordova Police Department and shall set forth the reasons for believing the dog to be vicious. Such complaint shall be delivered to the dog control officer and upon receipt of such complaint the dog control officer shall immediately make an investigation. If, in his opinion, the dog is vicious, and if he further finds that the incident reported is the first incident or indication of viciousness on the part of the dog, the dog control officer shall confine such dog and transport to the Walker County Humane Society where the dog will be subject to their rules and regulations.

SECTION 3. PENALTY

In addition to all other fees, fines, or penalties imposed by this ordinance, there is hereby levied an additional penalty upon the owner of any dog that is violation of this ordinance. A citation shall be issued and a penalty of fifty dollars (\$50.00) shall be imposed for the first violation. A penalty of one hundred dollars (\$100.00) shall be imposed for the second violation. The third violation shall constitute a penalty of two hundred dollars (\$200.00) and/or the dog shall be euthanized. Impounded dogs shall not be released to the owner unless he/she presents the Walker County Humane Society a receipt form the Municipal court that the penalty provided in this section has been paid in full.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.


This ordinance shall become effective upon publication and the City Clerk is hereby directed to post same in three (3) public places in the City of Cordova, Alabama.

Adopted this the 23rd day of February, 2010.



Mayor

ATTEST:



City Clerk