

ORDINANCE TO BETTER CONTROL THE SPREAD OF RABIES AND TO DETERMINE WHICH DOGS IN THE CITY OF CORDOVA, ALABAMA AND THE POLICE JURISDICTION THEREOF ARE STRAY, HOMELESS OR WILD DOGS, AND FURTHER, AN ORDINANCE TO ADOPT A METHOD OF DOG CONTROL FOR THE CITY OF CORDOVA, ALABAMA ADOPTED ON THE 25TH DAY OF NOVEMBER, 1980.

PREAMBLE

BE IT ORDAINED by the City Council of the City of Cordova, State of Alabama, as follows:

That in order to better control the spread of rabies and to determine which dogs in the City of Cordova and the police jurisdiction thereof are stray, homeless, or wild dogs, the Chief of Police or Mayor are hereby authorized to set apart and designated certain periods from time to time in which all owners of dogs in the City of Cordova, Alabama and the police jurisdiction thereof shall be required to keep their dogs on their own premises and during such periods it shall be unlawful for any person to permit any dog to run at large in the City of Cordova or the police jurisdiction thereof. And such periods shall be known as "Dog Detention Periods". In designating any such period, the Chief of Police or Mayor shall give notice of the same by publishing said notice in some newspaper of general circulation in the City of Cordova, and may give additional notice in any manner as he may see fit. It shall be unlawful to permit any dog to run at large at any time of the year between the hours of 6:00 p.m. of one day and 6:00 a.m. of the following day.

DEFINITIONS

1. The term "dog" shall mean and include all members of the canine family three months or more of age.
2. The term "person" shall mean and include individuals, firms, partnerships, and associations; the singular shall include the plural; and the masculine, the feminine and neuter.
3. The term "owner" shall mean and include any person having a right or 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.

4. The term "inoculation against rabies" shall mean the injection, subcutaneously or otherwise, as approved by the State Health Officer and the State Veterinarian, of canine antirabies vaccine, approved by the State Health Officer and the State Veterinarian.

5. The term "at large" shall mean off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain or otherwise.

CHIEF ANIMAL CONTROL OFFICER; ENFORCEMENT OF ARTICLE

1. The City Council shall appoint a chief animal control officer and such deputies and assistants as may be necessary, who shall be employees of the City, subject to the provisions of Act 2280, Acts of Alabama, 1971. Such chief animal control officer, his deputies, assistants and members of the police department shall enforce such rules and regulations as the City Council shall set. The expenses of the chief animal control officer, his deputies and assistants, together with their salaries, shall be paid from the general fund of the City. It shall be the duty of the chief animal control officer to enforce the provisions of this article; to catch and impound any dog running at large within the City and within the police jurisdiction of 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 Council.

2. The chief animal control officer, his deputies, 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 or its police jurisdiction 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 or its police jurisdiction for the purpose of capturing and confining the dog, under the direct care, custody, control and supervision of a licensed veterinarian, for a period of ten days. It shall be unlawful and punishable as a misdemeanor for any person who is the owner or custodian of a dog which has

bitten a human being to fail to promptly turn over or deliver such dog to the chief animal control officer, his deputies or assistants, or members of the police department upon demand of one of such persons. Any expense incurred in the handling of any dog, under the provisions of this subsection, shall be borne by the owner or custodian of such dog.

Any person violating any provisions of this subsection shall, upon conviction, be fined not less than Five Dollars nor more than Two Hundred Dollars, or by imprisonment in jail or at hard labor for a period not exceeding six months, or by both such fine and imprisonment at the discretion of the recorder.

ANNUAL INOCULATION REQUIRED

It shall be unlawful for any person to own, possess, keep, maintain or harbor a dog within the City or its police jurisdiction without having such dog inoculated annually for rabies, as required by Title 22, Section 107, of the Code of Alabama, 1940, as amended. All dogs must comply with State Health Department deadline of September 1 of each calendar year to have been vaccinated.

INOCULATION TAG TO BE WORN ONLY BY DOG FOR WHICH ISSUED

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.

COLLAR OR HARNESS REQUIRED; TAG TO BE ATTACHED

Each dog over the age of three months shall wear a substantial, durable collar or harness, to which the inoculation tag, provided for in Title 22, Section 108, 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 the consent of its owner.

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 the same shall be so arranged that such dog shall at all times have available water, shade and proper shelter; or to treat any dog in any other inhumane manner.

NUISANCE PROVISIONS

The owner, keeper, or harbinger of any dog or dogs shall conform to the following rules and requirements:

1. License requirements.
2. Conditions under which dog may run at large and Dog Detention Period.
3. Vaccination and tag requirements.
4. That each and every dog or dogs which trespass upon and do injury to public property or to the property of another person other than the owner, keeper or harbinger thereof are hereby declared to be a nuisance, and such dog or dogs shall be subject to be impounded. And the owner, keeper or harbinger of such dog or dogs, who shall permit the same to so injure the property of another or public property, or who shall fail to restore such injury, shall be subject to the penalty hereinafter prescribed and shall further be liable for all damages caused by such unlawful trespass by the dog or dogs thus owned, kept or harbored by such owner, keeper or harbinger.
5. Neither a dangerous or vicious dog nor a dog which by loud, frequent or habitual barking, howling or yelping disturbs any person or neighborhood shall be kept or harbored within the corporate limits of the City of Cordova.
6. Rabid and diseased animals.
7. Kennels. That no person shall own, maintain, or operate any kennel for the purpose of breeding or raising dogs, nor hereafter establish any dog hospital within the corporate limits of the City of Cordova without a written consent of all householders within three hundred feet of said kennel or hospital, schools, churches, or business section of town.
8. The owning, harboring, or keeping of dogs over twenty weeks of age in excess of two upon any property in the City of Cordova shall be deemed a nuisance per se; provided that the owner or keeper may secure from and at the discretion of the governing body, a permit to keep or harbor dogs in excess of two upon adequately showing that the premises are so situated and that special circumstances exist which would not constitute a nuisance to the neighborhood. The governing body may limit said permit

as to time and may also limit the maximum number of dogs that may be maintained at any one time; provided, further, that upon a showing that the owner or keeper of dogs maintains a kennel where dogs are bred or a pack of dogs maintained within kennel premises in such manner and upon such premises as shall not constitute a nuisance in the neighborhood, the governing body, at its discretion, may issue a kennel permit. All dogs in such kennels shall be registered and all dogs shall be immunized in accordance with the requirements of this ordinance, provided further, in lieu of all license and registration fees a kennel permit shall be issued upon payment of the sum of Twenty Dollars.

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 and the police jurisdiction of the City shall be caught and taken by the chief animal control officer, his deputies and assistants and impounded in the City pound or County pound or Humane Society. Any such dog so impounded may be retaken or redeemed from the pound by the owner or his duly authorized representative within seven (7) days from impoundment thereof, or at any time thereafter before sale or destruction thereof, by paying to the poundmaster a fee of Five Dollars, Three Dollars of which he shall retain and Two Dollars of which he shall remit to the City plus the cost of keeping such dog in the pound at the rate of Two Dollars per day, One Dollar of which he shall retain and One Dollar of which he shall remit to the City. Every such dog which has remained in a pound for seven (7) days and which has not been redeemed or retaken by the owner, or his duly authorized representative, within such time shall be sold by the poundmaster after having first given forty-eight (48) hours written notice of the time of sale, with a description of the dog to be sold, by posting such notice upon a bulletin board at the pound, which place of posting is hereby declared to be and is made and constituted a public place, open to the public; provided, that no such dog shall be sold at a price of less than Five Dollars, Three Dollars of which shall be retained by the poundmaster and Two Dollars of which shall be remitted to the City, plus the cost of keeping such dog at the rate hereinabove prescribed. No such dog shall be released from a pound, either to the owner

or his duly authorized representative, or to a purchaser, unless and until such dog has been inoculated, as prescribed by law and a certificate and tag, as likewise prescribed, shall have been issued therefor. Dogs not redeemed or purchased, as herein provided, shall be destroyed by the poundmaster in a humane manner. Diseased or injured dogs impounded under this section may be destroyed by the poundmaster in a humane manner without delay.

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, or the humane officer as provided in this article. Such dog may be redeemed upon the payment of the fee set out in the preceding section hereinabove. If such dog is not redeemed, the same shall be subject to disposition as provided for in the preceding section hereinabove.

INTERFERENCE WITH ENFORCEMENT OF ARTICLE

1. 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.

"VICIOUS DOG" DEFINED; PRIMA FACIE EVIDENCE OF VICIOUSNESS

A "vicious dog" is herein defined as a dog which has bitten or shall without provocation bit 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.

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, bound or adequately leashed in such a manner as to prevent such dog from biting or attacking a person or other animal.

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 of a written or printed notice at every unlocked entrance to such enclosure.

SAME - AUTHORITY OF DOG CONTROL OFFICER WHEN ENCLOSURE DEEMED INADEQUATE

Whenever a vicious dog is not properly and securely confined, the dog control officer may order confinement of the dog until the owner or other person in charge of such dog provides an enclosure which, in the opinion of the dog control officer, is adequate. Until an enclosure is provided which the dog control officer deems adequate, the dog control officer may order confinement of such dog with such person or organization as the dog control officer shall determine. The cost of feeding and caring for the dog shall be paid by the owner, at a rate not exceeding Fifty Cents per day. If the owner of such dog fails to provide an enclosure which the dog control officer deems to be adequate within thirty (30) days, such dog may be disposed of by extermination or by whatever method selected by the humane officer or the dog may be otherwise disposed of as directed by the dog control officer.

REPORTING OF VICIOUS DOGS - BY SWORN STATEMENT; PROCEDURE UPON FIRST INDICATION OF VICIOUSNESS

When any person claims that a dog is vicious, he shall make a sworn statement before an officer authorized to administer oaths in the City, and in such sworn statement shall set forth the reasons for believing the dog to be vicious. Such sworn statement shall be delivered to the dog control officer. Upon receipt of such sworn statement, 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 complained of by sworn statement is a result of the viciousness on the part of the dog, the dog control officer shall order such dog confined. If the owner of the dog does not immediately provide a proper enclosure, the dog control officer shall confine such dog with such person or organization as the dog control officer shall determine, for a period of not exceeding thirty

(30 days. If the owner or person in charge of the dog does not provide an enclosure within thirty (30) days which meets the approval of the dog control officer, and pay the expense of confinement, the dog control officer shall order such dog exterminated.

SAME - PROCEDURE WHEN THERE HAS BEEN PRIOR INDICATION OF VICIOUSNESS
BUT DOG CONTROL OFFICER HAS TAKEN NO ACTION

If upon receipt of the sworn statement provided in the preceding section, the dog control officer determines that the dog is vicious, and if he further finds that the dog has on previous occasions given evidence of its viciousness, but that no prior order has been made by him in reference to such dog, he may, in his judgement, either order the dog confined as provided in the preceding section or he may file a proceeding before the recorder to determine whether or not such dog should be exterminated.

SAME - PROCEDURE WHEN THERE HAS BEEN PRIOR INDICATION OF VICIOUSNESS
AND THE DOG CONTROL OFFICER HAS ACTED

If upon receipt of the sworn statement provided in the preceding section, the dog control officer shall find such dog to be vicious, and if he further finds that he had, prior to the time of the receipt of such sworn statement, ordered the dog to be confined, then the dog control officer shall order such dog confined for three days, and at the end of such time shall have the dog exterminated, unless the owner appeals to the City recorder, in which case the matter shall be determined by the City recorder.

LIABILITY OF OWNER

A person owns or keeps a vicious dog in the City at his own risk. If a vicious dog escapes from its enclosure or injures any person outside of the enclosure, the owner of such dog shall be criminally liable, whether such escape or injury occurred with or without the negligence of the owner, the keeper or any other person.

EXAMINATIONS FOR RABIES

At any time the dog control officer determines, after investigation, that a dog has bitten a person or has bitten another animal, he shall order such dog confined with such person or organization as the dog control officer shall determine for a period of not less than ten (10) days and not to exceed thirty (30) days, to determine whether or not such dog is affected. If the biting animal is a stray animal as determined by the rabies inspector, with no owner, or a wild animal that was in confinement or captured after the bite, or where the owner of the exotic or wildlife pet agrees in writing, the animal can be humanely destroyed immediately after the bite and the head submitted for appropriate rabies examination by the State Health Department Laboratory.

All animals which have been impounded for lack of rabies inoculation in accordance with the law and which are not redeemed by the owner within (7) days may be humanely dispatched and disposed of, provided the owner was given the required notice. If there is a humane society in any City where these provisions are applicable, such humane society is given the privilege of dispatching all unredeemed dogs, should it so elect. Owners may redeem impounded animals by paying for the inoculation of the animal (if a certificate of inoculation cannot be produced), paying the penalty prescribed, and the board bill. The amount paid for the board of the animal shall accrue to the City or county, depending upon the pound in which the animal was confined. The impounding officer may sell any animal not redeemed within the seven (7) day period rather than dispatch them. The purchaser must pay the inoculation fee, penalty and board bill.

Whenever the rabies inspector or County Health Officer receives information that a person has been bitten by an animal required to be inoculated against rabies, the County Health Officer is required to have the animal put in quarantine with a duly licensed veterinarian for observation of rabies. It shall be unlawful for any person having knowledge of such an animal bite to refused to notify the proper officials promptly. It is also unlawful for the owner of the animal to refuse to follow the instructions of the rabies inspector or other health officials or to sell, give away, transport to another area or otherwise destroy the animal until it is released from quarantine.

PENALTY

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not exceed Two Hundred Dollars (\$200.00) or thirty (30) days in jail or both such fine and imprisonment in the discretion of the Recorder trying the case.

SEVERABILITY

If any section or provision of this ordinance shall be declared invalid or unconstitutional by judgement of a Court of competent jurisdiction, such judgement shall not affect any other section or provision of this ordinance.

This ordinance shall take effect upon its approval by the Mayor, publication as required by law, but nonetheless shall not become effective prior to the 25th day of November, 1980.

ADOPTED AND APPROVED by the City Council of the City of Cordova, Alabama, this the 25th day of November, 1980.


MAYOR

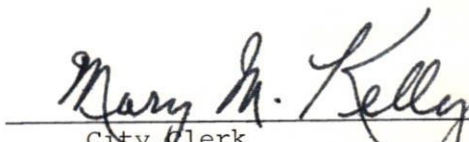
ATTEST:


City Clerk

CERTIFICATION

I, Mary M. Kelly, City Clerk of the City of Cordova, Alabama, hereby certify that the foregoing is a true and correct copy of an Ordinance that was duly adopted and enacted by the Mayor and Board of Aldermen of the City of Cordova, Alabama, at a regular meeting in the City Hall of the City of Cordova, Alabama, held on November 25, 1980, and after being duly adopted was posted in three (3) public places in the City of Cordova, Alabama, as required by law.

This the 1st day of December, 1980.


City Clerk
City of Cordova, Alabama

(SEAL)