

CITY OF RUSSELLVILLE ORDINANCE #2010-103

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 98-108 OF THE CITY OF RUSSELLVILLE, ALABAMA

BE IT RESOLVED by the City Council of the City of Russellville in the State of Alabama, as follows:

Ordinance No. 98-108 of the City of Russellville, Alabama, is hereby amended so as to include the following, all other provisions of said ordinance not in conflict herewith shall remain in force and effect:

Section one: Definitions

As used in this ordinance the following terms shall mean and include:

(A) *Animal*: Any living creature, domestic or wild.

(B) *At large*: Any animal shall be "at large" when it is off the property of its owner or person in charge and not carried by such person, kept in an effective enclosure or controlled by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent such animal from freely charging or attacking persons or animals.

(C) *Cat*: All members of the domestic canine family.

(D) *Barking, Howling Dogs*:

(1) "Bark", "Barks", or "Barking" shall mean the barking, yelping, howling, growling or otherwise making noise.

(2) "Continued", in regard to barking, shall mean barking which occurs during the majority of any ten-minute period.

(E) *Vicious Animal*:

(1) Any animal with a propensity, tendency or disposition to attack, cause injury, or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing, snapping or barking; or

(2) Any animal which attacks a human being or another domestic animal without provocation; or

(3) Any animal owned or harbored primarily or in part for the purpose of fighting another animal; or

(4) Any animal which is known to have bitten or attacked a person or other animal without adequate provocation or cause:

(F) *Vicious dog*:

(1) Any dog with a propensity, tendency or disposition to attack, cause injury to or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing, snapping or barking;

(2) Any dog which attacks a human being or another domestic animal without provocation; or

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(4) Any dog which is known to have bitten or attacked a person or other animal without adequate provocation or cause.

(5) Any dog which has been trained as a guard dog or otherwise to attack persons or domestic animals.

Section two: General provisions

(A) *Barking, howling dogs Prohibited:* It shall be unlawful for the owner of any dog or dogs kept within the city to permit the loud and frequent, or continued barking, howling or yelping of such dog or dogs, which annoys or disturbs the neighbors and/or public.

(B) *Running at large prohibited.* It shall be unlawful for the owner of any vicious or dangerous dog to allow such dog to be at large or unrestrained within the city.

(C) *Confinement of Vicious or Dangerous Dogs.* All dogs determined to be a vicious or dangerous dog, under this ordinance or any other law, regulation, rule or court ruling of this city or state, shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, as below provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious or dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious or dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition in compliance with the laws and ordinances of the city and all laws, statutes, rules and regulations of the State of Alabama.

(D) *Conditions permitting dangerous dogs to be taken off premises.* It shall be unlawful for the owner of any vicious or dangerous dog to allow such dog to be at large or off the owner's property unless such dog is securely muzzled so as to effectively prevent such dog from biting another animal or person and unless such dog is secured on a lease or chain of not more than five (5) feet in length that is held or controlled by a person of not less than sixteen (16) years of age.

(E) *Owning/training dogs for fighting or attacking.* No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to engage in unprovoked attacks upon human beings or domestic animals.

(F) *Keeping in multiple dwelling.* No vicious dogs may be kept within any portion of any multiple dwelling.

(G) *Signs.* All owners, keepers or harborers of any vicious dog, as determined by laws and ordinances of the city, or by a court of competent jurisdiction, shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog".

(H) *Destruction.* Any vicious or dangerous dog which attacks a human being or domestic animal may be ordered destroyed when in the judgment of a court of competent jurisdiction the dog represents a continuing threat of serious harm to human beings or domestic animals.

(I) *Running at large or improper muzzling without owner's knowledge deemed no defense.* It shall be no defense in any prosecution for a violation of subsections (b) and (c) that such dog was at large or improperly muzzled without the knowledge, consent or permission of the person charged with such violation.

(J) It shall be unlawful for the owner of any dog to tie, chain or tether such dog so that it has access to public property or the property of another without the consent of the owner or person in charge of such property.

(K) Every female dog or cat in heat shall be confined by the owner or harbinger of such animal in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal, except for planned breeding.

(L) *Guide dogs.* No owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating establishment, barber shop, billiard parlor, store, public conveyance, theater, motion picture house, public educational institution or elevator, shall refuse to permit a guide dog to accompany a blind or handicapped person entering such place or making use of the accommodation available when such blind person is being led by the guide dog; provided, that such guide dog is wearing a harness; and provided further, that such blind or handicapped person shall present for inspection credentials issued by an accredited school for training guide dogs

(M) *Penalty for violations.* Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00), or by imprisonment for not to exceed sixty (60) days, either or both penalties to be imposed at the discretion of the court trying the case. If any violation be continuing, each day's violation shall be deemed a separate violation.

(N) *Violators liable for expenses.* Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. Additionally, if such dog or other animal has to be tranquilized to be subdued, the person found guilty shall reimburse the City of Russellville the sum of thirty-five dollars (\$35.00) for each dart or injection used.

(O) *Application to police dogs.* The provisions of this section shall not have applicability to dogs while engaged in police service training at a recognized and duly licensed facility and under supervision of professional instructors.

(P) *Validity.* If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such a decision shall not affect the validity of the remaining portions of this section.

Section three: Enclosures-Sanitary Requirements; Enforcement.

(A) For the protection of the public health, it shall be the duty of every person who keeps any dog in an enclosure within the city at all times to maintain the premises or area where such dog is confined in a sanitary condition, to prevent the hatching of any fly or insect larvae, to prevent offensive or noxious odors emanating there from and to comply with all reasonable requirements and directions given by the animal control officer or health officer pertaining to public health, sanitation, fly or insect larvae control and to the prevention of offensive odors.

(B) Any person having care, custody or control of any such premises where any dog is kept confined or in an enclosure who is given a written notice by the animal

control officer or health officer indicating any conditions which exist in violation of the provisions of this section and who fails to remedy such conditions within five (5) days from the receipt of such notice shall be guilty of an offense.

(C) It shall be unlawful for any person who fails within five (5) days after the receipt of such notice from the animal control officer or the health officer to correct the conditions pointed out therein to further keep or maintain such dog or dogs within the city.

Section four: Notice of Violation.

When any Animal Control Officer or Police Officer of the City has knowledge of a possible violation of this ordinance, the Animal Control Officer or Police Officer shall forthwith cause the matter to be investigated. If after investigation there are reasonable grounds to believe there has been a violation of this ordinance, the Animal Control Officer or Police Officer shall forthwith deliver written notice to the owner or keeper of the animal that is the subject of the violation requiring such person to safely remove said animal from the City within five (5) days of the date of said notice or to confine the animal in compliance with the provisions of this ordinance pertaining to vicious or dangerous animals. Such owner or keeper shall either remove said animal from the City or comply with the confinement requirements of this ordinance for vicious or dangerous animals within the required time. Such a notice shall not be required when a vicious or dangerous animal has caused serious physical harm or death to any person or has escaped and is at large, in which case the Animal Control Officer shall cause said animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk or serious physical harm or death to any person or animal.

Section five: Seizure and Impoundment of Vicious or Dangerous Animals.

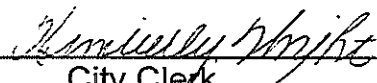
The Animal Control Officer, with the approval of the Chief of Police, shall forthwith cause to be seized and impounded any vicious or dangerous animal when the owner or keeper of such animal has failed to comply with the notice sent pursuant to Section 3(C). Upon seizure and impoundment, the Animal Control Officer shall cause a complaint to be filed in the municipal court of the City against the owner or keeper of the subject animal, and said animal shall be delivered to a place of confinement approved by the Chief of Police, and kept until further order of the municipal court.

This Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this the 1st day of March, 2010.


MAYOR PRO-TEMPORE

ATTEST:


City Clerk

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS AND PETS WITHIN THE CORPORATE LIMITS.

Be it ordained by the City Council of the City of Russellville, Alabama, as follows:

1. No person, firm or corporation shall keep or maintain within the corporate limits any animals, domestic or wild, which may now be or which become a nuisance to any of the citizens or a menace to the health of the citizens. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-7.


2. It shall be unlawful for the owner or other person in charge of any dog to suffer or permit the loud and frequent and continuing barking, howling, or yelping of such dog so as to annoy and disturb the owners. Any person violating this article shall be guilty of a misdemeanor and upon conviction shall be punished for such violation as provided in Section 1-7.

3. It shall be unlawful for the owner or other person in charge thereof to harbor or keep in the corporate limits 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 other animal. It shall be prima facia evidence that the dog is vicious if it shall bite or furiously attack any person whatever or any other animal, such person or other animal at the time of the biting not being on the owner's premises. Any person violating this article shall be guilty of a misdemeanor and upon conviction be punished for such violation as provided in Section 1-7.

4. It shall be unlawful for the owner or keeper of any dog to keep such dog in any enclosure or on any lease 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.

5. It shall be unlawful for any person to abandon or set loose with the intention of avoiding the responsibility for the custody or care of any domestic animal within the city limits of the City of Russellville. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-7.

Adopted this 20th day of April, 1998.


MAYOR


CITY CLERK

STATE OF ALABAMA }
FRANKLIN COUNTY }
}

CITY OF RUSSELLVILLE

ORDINANCE 81- 100

AN ORDINANCE AMENDING SECTIONS 5 & 6 OF ORDINANCE NO. 78-102, WHICH WAS ADOPTED ON JANUARY 16, 1978 TO PROHIBIT DOGS FROM RUNNING AT LARGE.

BE ORDAINED BY THE CITY COUNCIL OF RUSSELLVILLE, ALABAMA, AS FOLLOWS:

Sections 5 & 6 of Ordinance Number 78-102 are hereby amended to read as follows:

Section 5. The owner of any dog so impounded may reclaim such dog upon payment of the pound fee, if unpaid, and of all costs and charges incurred by the City of Russellville for impounding and maintenance of said dog. The following charges shall be made to the city for impounding any dog, \$5.00 fee and \$1.00 per day for upkeep of said dog. In addition, at the time the dog is claimed a \$10.00 deposit will be required of the owner. This deposit shall be returned to the owner upon proper evidence of inoculation for rabies.

Section 6. It shall be the duty of the pound master to keep all dogs so impounded for a period of six days. If at the expiration of six days, the dog has not been redeemed, it may be destroyed.

ADOPTED THIS 26th day of January, 1981.

Leonard D. Allen, Jr.
MAYOR

ATTEST:

Ricky Williams
CITY CLERK

THE STATE OF ALABAMA
FRANKLIN COUNTY

)
)
)

CITY OF RUSSELLVILLE

ORDINANCE NO. 78-102

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE WITHIN THE POLICE JURISDICTION OF THE CITY OF RUSSELLVILLE WITHOUT A COLLAR AND CURRENT RABIES INOCULATION TAG; AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS NOT SO MARKED; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. Definition of Terms. As used in this ordinance, unless the context otherwise indicates.

(A) "Dog" shall be intended to mean both male and female.

(B) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.

(C) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Section 2. It shall be unlawful for any person to possess, keep or harbor in the City or the police jurisdiction thereof, any dog three months of age or more which has not been inoculated against rabies. In order to be sufficient hereunder inoculation shall be accomplished by a physician, surgeon or veterinarian duly licensed as such the state board thereunder duly authorized, or shall be accomplished by a rabies inspector or deputy rabies inspector appointed pursuant to Code of Alabama.

Section 3. It shall be unlawful for any person, firm or corporation, except humane societies, boarding kennels, and veterinary hospitals, within the city to own, keep or harbor

any dog over three months of age that does not have a leather collar and a metal tag evidencing that said dog has been within 12 months inoculated against rabies.

Section 4. Any dog over three months old not wearing a collar and metal tag evidencing inoculation which is being allowed to run at large within the city, shall be taken up and impounded for a period of three days during which time the enforcement officers in charge of such impounded dog shall notify the owner, if possible, and such owner, or agent of such owner may redeem the dog as provided in subsequent sections.

Section 5. Not later than three days after the impounding of any dog the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for three days on the bulletin board of the City Hall. The owner of any dog so impounded may reclaim such dog upon payment of the pound fee, if unpaid, and of all costs and charges incurred by the City of Russellville for impounding and maintenance of said dog. The following charges shall be made to the City for impounding any dog, \$5.00 fee and 50¢ per day for upkeep of said dog.

Section 6. It shall be the duty of the pound master to keep all dogs so impounded for a period of six days. If at the expiration of six days from the date of notice to the owner or posting of notice such dog shall not have been redeemed, it may be destroyed.

Section 7. Confinement of Certain Dogs. No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this

provision it shall be taken up and impounded and shall not be released except upon approval of poundkeeper after payment of the fees provided in Section 5; Provided, however, that if any dangerous, fierce or vicious dog found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.

Section 8. Rabies -- Notice. If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the poundmaster of the fact that his dog has been exposed to rabies and at his discretion the poundmaster is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the poundmaster. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the poundmaster or a policeman who shall either remove the dog to the pound or summarily destroy it.

Section 9. Any person who interferes with the enforcement of this section by city officials or releases without authority of the poundmaster dogs seized hereunder shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$5.00 nor more than \$200.00 for such offense.

Section 10. All existing ordinances of the City are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Section 11. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent, and it is further the intention of the City that if any provision shall be declared invalid, all other provisions shall remain valid and enforceable.

Section 12. This ordinance shall be in full force and effect from and after its publication.

Adopted this 16 day of January, 1978.



Mayor



City Clerk