

ORDINANCE NO. 2018-06

DOG ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Cleveland, Alabama, as follows:

SECTION 1 VACCINATION REQUIREMENTS.

It shall be unlawful for any person to possess, keep, or harbor in the town limits of Cleveland, after the effective date of this Ordinance, any dog that has not been vaccinated as provided in section 3-7A-1, et seq. of the Code of Alabama, 1975, as amended, as the same now exists or may hereafter be required. A \$25.00 fine will be assessed to the person in possession of any dog failing to meet this requirement. Any person fined for this violation will have seven days to have the proper vaccinations done. Failure to comply within said seven days will result in additional fines.

Each dog should have a collar with a vaccination tag attached and if possible a tag with the owners name, address, and phone number for easy contact in case the dog is found somewhere other than its own dwelling. The collar and tag shall be at the owner's expense.

SECTION 2. DOGS TO BE UNDER CONTROL WHEN OFF OWNER'S PREMISES.

It shall be unlawful for the owner or person in charge of any premises to case, permit, or allow any dog residing there, either temporarily or permanently, to be off of such premises or property, unless such is under the control of a competent person, either by leash, cord, chain, or other restraint attached to a collar of sufficient strength to physically control said dog at all times.

Any person walking a dog at the park or on any other public property shall be required to clean up any excrement deposited by said dog. Failure to do so will be considered littering and is subject to the same fines and applies to littering with paper, etc. Repeated offences will result in the person with the dog being barred from walking the dog or dogs on public property.

SECTION 3. NUMBER OF DOGS.

It shall be unlawful for any person to keep or board on such person's premises within the corporate limits of the town more than six (6) adult dogs. Any State, County or Municipal owned shelter is exempt from the 6 dog limitation. Provided, however, this section shall not apply to puppies under the ages of six (6) weeks.

A warning citation will be issued to anyone declared to be in violation of this Section. Violators will have 14 days to comply with the requirements of this Section. After such time, violators will pay a fine of \$25.00 per day until they are in compliance with this Section. Failure to pay any fine required under this Section, or appear in court, may result in the person being held in contempt of court, and required to pay court costs in addition to the per day fine provided for herein.

SECTION 4. PENALTY.

When a dog is found by an officer to be off its premises in violation of section 2 of this ordinance and the owner or person in charge is determined by the officer, the officer may issue a citation for said dog being off its premises. For a first offense, the owner or person in charge shall receive a written warning. For a second offense, the owner or person in charge shall be required to pay a fine of \$25.00. 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 second or third offense shall be paid to the Municipal Clerk at the Cleveland Town Hall. Failure to pay the fine for a second or third offense may result in charges being brought against the owner of person in charge in the District Court for Blount County, Alabama.

SECTION 5. BARKING OR HOWLING DOGS.

It shall be unlawful for the owner 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 so as to annoy and disturb the neighbors. Violation of this section shall cause the issuance of a citation by the responding Officer requiring the payment of a \$25.00 fine. Failure to pay fine or appear in court may result in the person being held in contempt of court and charged a maximum fine of \$100.00.

SECTION 6. ANIMAL AFFECTED WITH OR SUSPECTED OF HAVING RABIES.

Any dog or other animal suspected of having rabies shall be immediately taken up by the Animal Control Officer and confined at the Blount County Animal Shelter. Any dog or other animal known to have been bitten, or suspected of having been bitten, by a dog or other animal having rabies shall, at the election of its owner, be immediately either humanely destroyed or placed in an enclosure so constructed as to prevent the communication of the disease to other animals, and such dog or other animal shall remain thus quarantined for a period of three months.

SECTION 7. DEFINITIONS.

For the purposes of this article, words used in the present tense include the future, the singular number includes the plural, and the plural, the singular, words and terms for the purposes of this article, are defined as follows:

(1) Officers: Any person authorized by the Town of Cleveland, to carry out the duties of an animal control officer.

(2) At Large: Any animal off the property of its owner or person-in-charge and not carried by such person, or kept in an effective enclosure, or under control by means of leash, cord, chain, or other restraint sufficient to physically control said dog.

(3) Dog: Any member of the domestic canine family, three months of age or older.

(4) Owner: Any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him.

(5) Person: Any individual, partnership, company, corporation, or other legal entity, when appropriate, these terms shall mean the singular, plural, masculine, feminine, and neuter.

(6) Person-in-charge: Any person in whose charge the animal is being kept, and all the responsible members, age nineteen or older, or the household in which an animal is kept or allowed or suffered to remain.

(7) Restraint on premises: A dog is considered to be under restraint if it is confined within the property limits of its owner or person-in-charge by a suitable fence or is securely restrained within the premises by a leash or humane restraining device affixed to a securely fixed object.

(8) Restraint off premises: A dog is considered to be under sufficient restraint off the premises of its owner or person-in-charge, if under the control of a competent person either by leash, cord, chain, or other restraint sufficient to physically control said dog at all times.

This Ordinance shall become in effect upon its adoption and publication as required by law. This Ordinance replaces Ordinance No. 2013-01 and any amendments thereto including Ordinance No. 2013-03 and Ordinance No. 2018-05.

ADOPTED AND APPROVED this the 11th day of October, 2018.

TOWN OF CLEVELAND, ALABAMA

BY: _____
Mayor

ATTEST:

Town Clerk