

**STATE OF ALABAMA
COUNTY OF BLOUNT
TOWN OF HIGHLAND LAKE**

ORDINANCE NUMBER HL 11-02

**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 physically 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.

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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 of another without the consent of the person in charge or control of such 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 (c) and (d) 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: 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.

SECTION 4: BARKING OR HOWLING DOGS

It shall be unlawful for the dog 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 as to annoy or otherwise disturb the neighbors.

SECTION 5: 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 Facie evidence that a dog is a vicious dog if it should bite or attack any person whatever, or any other animal, such person or other animal at the time of the biting not being on the owners premises.

SECTION 6: 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 city, county and/or state health authorities.

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SECTION 7: 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 8: VIOLATIONS AND PENALTIES

Any person violating this ordinance shall be guilty of a violation and, upon conviction, shall be punished for such violations by a fine:

First violation	not to exceed \$100.00
Additional violations	not to exceed \$500.00

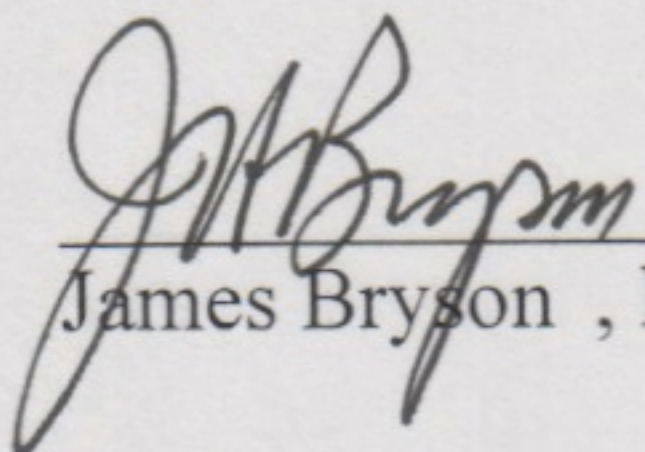
SECTION 9: COMPLAINTS

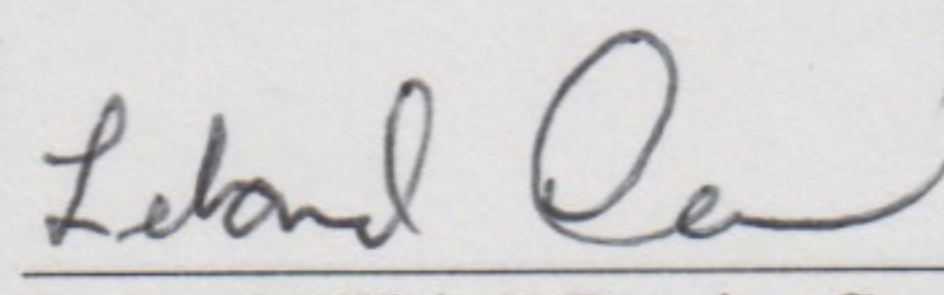
Complaints regarding dogs shall be filed at the town office. Appropriate investigation will be promptly conducted by authorities and a report filed with the appropriate offices.

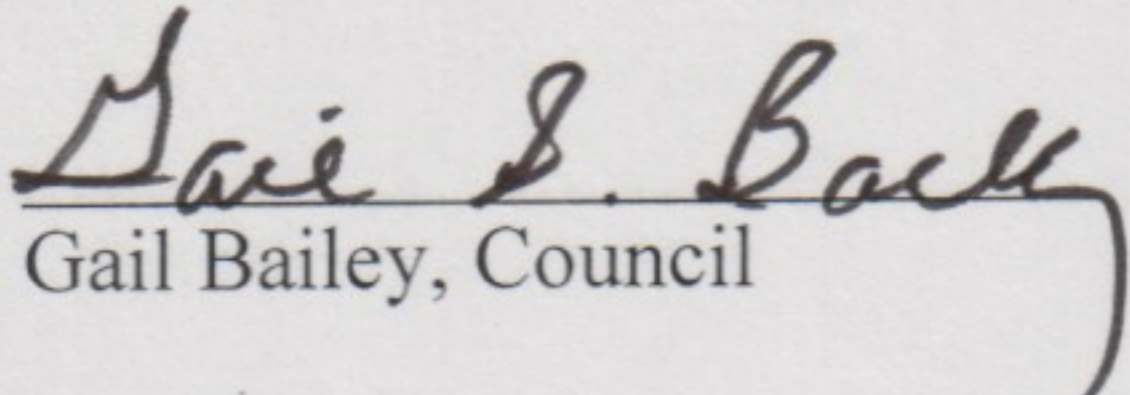
SECTION 10: REPEALER

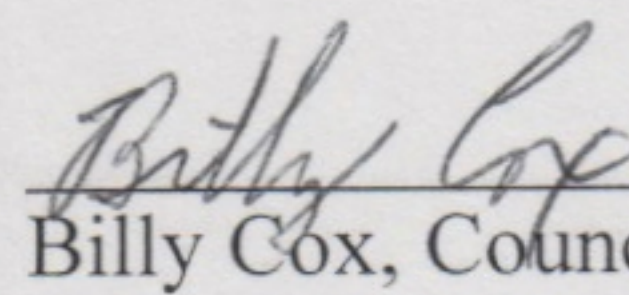
Upon passage of this ordinance, Ordinance HL-09-01 is hereby repealed.

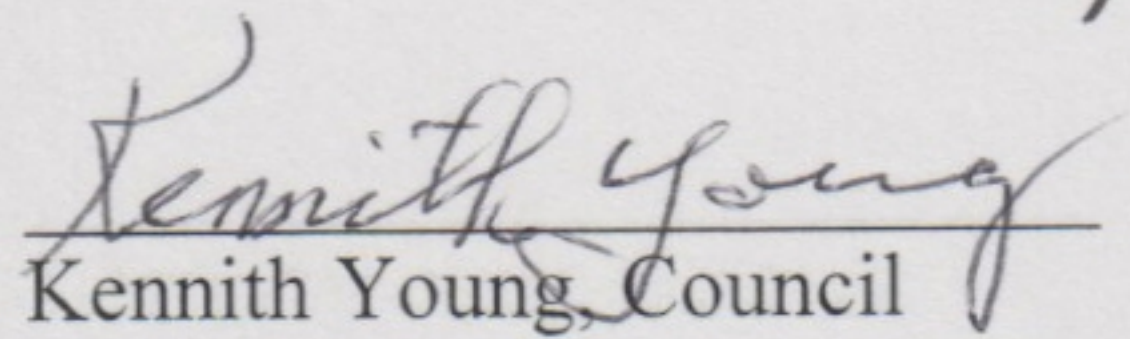
Adopted and approved on this 3rd day of January 2011.

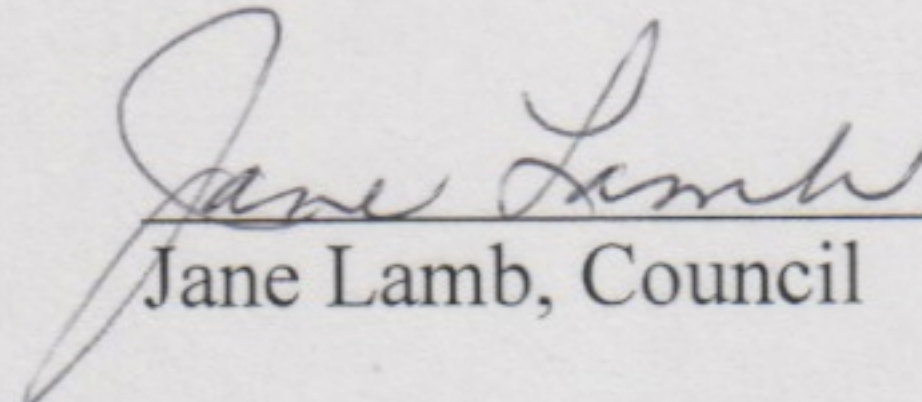

James Bryson, Mayor


Leland "Skip" Davis, Council

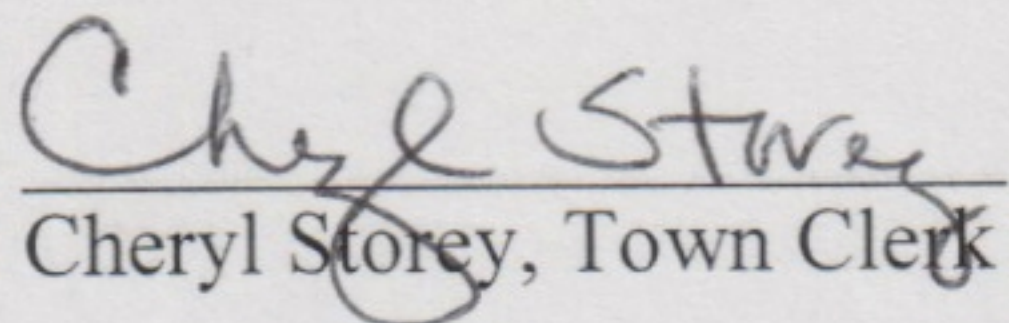

Gail Bailey, Council


Billy Cox, Council


Kenneth Young, Council


Jane Lamb, Council

ATTEST:


Cheryl Storey, Town Clerk

ORDINANCE PASSED BY A ROLL CALL VOTE AT TOWN COUNCIL MEETING ON JANUARY 3, 2011.
POSTED IN FOUR (4) PUBLIC PLACES FOR FIVE (5) DAYS, JANUARY 4 THRU JANUARY 10, 2011.