ORDINANCE NO. 81-D

AN ORDINANCE TO AMEND AN ORDINANCE REGULATING THE KEEPING OF DOGS IN THE TOWN OF DAUPHIN ISLAND, ALABAMA AND REPEALING ORDINANCE NO. 81-C

1. Definitions

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this chapter.

Animal control officers shall mean the director, the assistant director, and all enforcement officers assigned to the Dauphin Island Animal Shelter.

At Large. Any dog shall be "at large" when it is off the property of its owner or person in charge and not carried by the 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 the animal from freely charging or attacking a person or animal.

Bitten shall mean seized with teeth or jaws, such that the skin of the person or animal seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a medical provider (i.e. paramedic, nurse, physician, etc.).

Caged shall mean in a container, which may include a vehicle, in such a way that the free movement of a dog is restrained and so as to prevent the dog so caged from biting or attacking a person or animal.

Dog shall mean and include all members of the domestic canine family.

Duty to Restrain It shall be the duty of every owner or person in charge of a dog to keep said animal under effective restraint, while the same is within the limits of the Town, whether or not said dog is upon or away from his or her premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep said animal under effective restraint. Proof that a dog was not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. ***Keep*** shall include "confine", "harbor", "feed" and "allow to remain".

Dauphin Island Animal Shelter shall mean the place designated or used as such by the Town for a place of confinement for animals.

Owner* or *person in charge shall mean the actual owner of the dog or any person in whose charge the animal is being kept, and all the responsible adult members of the household where an animal is regularly kept or allowed to remain.

Person shall mean any individual, partnership, company, corporation or other legal entity.

Restraint shall mean 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 securely restrained within the premises by a leash affixed to a securely fixed object, or in the hand of a person and includes electronic leash control.

Stray dog shall mean any dog running at large, the owner or person in charge of which is either known or unknown.

2. Humane Officer.

The humane officer of the county shall be the humane officer of the Town.

3. **Office of Director of Animal Shelter.**

It is hereby created within the Town limits of Dauphin Island the position of Director of Animal control. The director shall be appointed by the mayor. All enforcement officers shall have the assigned duties of animal control.

It shall be unlawful for any person knowingly or willfully to oppose or resist the director or animal control officer in executing or attempting to execute any lawful process or in attempting to make or in making any lawful arrest or in the discharge of any regular duty or in any way to interfere with, hinder or prevent any such officer from discharging his duty.

4. **Citations.**

When any dog is found to be in violation of any provision of this chapter, and the person or persons responsible become known to the director or animal control officer, he may issue a citation to the owner or person in charge for the violation directing him to appear in the municipal court of the Town at a time and date stated therein.

5. **Disposition of Fees.**

All monies collected, as provided for in this chapter, shall be turned over and delivered forthwith to the Town finance department.

6. **Minimum Penalties.**

Any person violating any provision of this chapter shall be punished as provided in the general penalty provision of the Code; provided, however, that the person is found guilty of violating any provision of this chapter for which a fine is provided and imposed.

7. **Dogs unlawfully at large.**

Any dog found to be at large within the Town limits is hereby declared to be a nuisance and shall be seized and confined at the Dauphin Island Animal Shelter and cared for in a humane manner.

Upon confinement the animal control officer shall make reasonable effort to ascertain the identity of and notify the owner or person in charge of such dog.

When the owner or person in charge of the dog is known to the animal control officer, the officer may then return the dog to the owner or person in charge and issue a citation for violation of this section.

The Dauphin Island Animal Shelter shall serve as a temporary holding facility until such dog can be relocated to the Mobile County Animal Shelter.

8. **Keeping wild or dangerous dogs.**

It shall be unlawful for any owner or person in charge to allow or permit any dog which is vicious or presumed to be vicious to be off the premises of the owner or person in charge, unless the dog is caged, leashed and/or muzzled and under effective control or restraint such as will prevent it from attacking or injuring a person or another animal.

9. **Rabies control.**

The Code of Alabama, 1975, 3-7A-1-8, *Alabama Rabies Law* and **The Alabama Department of Public Health, Administrative Code, Chapter 420-4-4**, *Rabies Control Rules and Regulations* shall govern the control of rabies.

10. **Keeping dogs emitting offensive odors prohibited; Sanitation of premises where dogs are kept; and dead animals**

(a) It shall be unlawful and an offense against the Town for any person to keep any dog(s) or group of dogs, in any part of the Town in such a manner as to cause the emission of offensive odors from the premises on which such dog(s) is (are) kept, thereby interfering with the comfort of persons residing in the vicinity.

(b) It shall be unlawful for any owner or person in charge to keep or maintain a dog or group of dogs in an enclosure wherein it is kept in such an unsanitary condition that the lives, health of the public generally, of the owner or person in charge or his family, or of the dog(s) contained, shall be endangered. All enclosures where dogs are kept shall comply with all the regulations of the county health department pertaining and shall be cleaned each day and the residue disposed of in a sanitary manner.

© It shall be unlawful for any person to deposit any dead animal on any street, sidewalk, park or other public place in the corporate limits of the Town or the police jurisdiction thereof.

All owners or persons in charge of animals that die or are killed in their possession or custody shall cause the remains to be buried at least two feet below the surface of the ground in accordance with this chapter. No such animal shall be buried sufficiently near a residence or residences or in such a manner as to create a nuisance. Owners or persons in charge may request disposal of a dead animal by notifying the public works department of the Town.

Note: See Code of Alabama, Title 22; Enforceable by the Mobile County Health Department.

11. **Right of Entry Onto Land**

The Animal Control Officers of the Town of Dauphin Island shall have the right, and it shall be the officer's duty, to enter upon any property, except a private dwelling house, for the purpose of capturing any dog at large and/or to inspect any living conditions for an animal for which there is a reasonable suspicion to believe that there exists thereupon a violation of this ordinance.

12. **Schedule of Recovery Fees and Fines for violations of the Animal Control Ordinance**

The "Schedule of Recovery Fees and Fines for Violations of the Animal Control Ordinance", which is hereby incorporated by reference in its entirety as an addendum to this Ordinance, sets forth applicable recovery fees, fines and/or mandatory court appearances for the various violations of this Ordinance.

Any person violating any provision of this Ordinance may at his/her option, be penalized as provided in the "Schedule of Recovery Fees and Fines for violations of the Animal Control Ordinance" by remitting the appropriate recovery fee, fine and/or court costs as provided therein to the Municipal Court Clerk of the Town of Dauphin Island, or by appearance for a hearing before the Municipal Judge of the Town of Dauphin Island, where in the event of a conviction a sentence of a fine of not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) and or imprisonment of up to six (6) months in jail may be imposed.

Schedule of Recovery Fees and Fines for violations of Animal Control Ordinance

Infraction

Dog at Large	1st offense $25.00 recovery fee when animal is recovered with in 24 hours 1st offense $50.00 recovery fee 2nd offense $100.00 recovery fee 3rd (and subsequent) offense(s) Court
Interfering/Obstructing Animal Control Officer	1st (and subsequent) offense(s) Court
Refusing to allow Inspection	1st (and subsequent) offense(s) Court
Unsanitary living condition	1st offense $25.00 recovery fee when animal is recovered with in 24 hours 1st offense $50.00 recovery fee 2nd offense $100.00 recovery fee 3rd (and subsequent) offense(s) court

ADOPTED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF DAUPHIN ISLAND, ALABAMA THIS THE 21ST DAY OF JUNE, 2011.

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JEFF COLLIER, MAYOR

ATTEST

NANNETTE DAVIDSON, TOWN CLERK

1st reading	June 7, 2011
2nd reading	June 21, 2011
Effective Date	June 29, 2011