

Chapter 6

OFFENSES AND MISCELLANEOUS PROVISIONS

- Art. I. In General, §§ 6-1—6-30**
Art. II. Fair Housing, §§ 6-31—6-50
Art. III. Animals, §§ 6-51—6-93
Div. 1. Generally, §§ 6-51—6-70
Div. 2. Dogs, §§ 6-71—6-93

ARTICLE I. IN GENERAL

Sec. 6-1. State misdemeanors adopted.

(a) Any person committing an offense within the corporate limits of the city, or within the police jurisdiction thereof, which is declared by a law or laws of the state now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the city.

(b) Any person committing an offense within the corporate limits of the city, or within the police jurisdiction thereof, which is declared by a law or laws of the state now existing or hereafter enacted to be a violation, shall be guilty of an offense against the city.

(c) Any person committing within the corporate limits of the city, or within the police jurisdiction thereof, an offense as defined by Section 13A-1-2 of the Alabama Criminal Code, which offense is not declared by a law or laws of the state now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the city.

(d) Any natural person found to be in violation of subsections (a)—(c) shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the city for a period not exceeding six (6) months, at the discretion of the court trying the case, unless otherwise provided by subsection (e).

Any corporation found to be in violation of subsections (a)—(c) shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), at the discretion of the court trying the case.

(e) Any natural person found to be in violation of Section 32-5A-191, Code of Alabama 1975, shall, upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000.00) and/or may be imprisoned or sentenced to hard labor for not more than one (1) year. Any corporation found to be in violation of Section 32-5A-191, Code of Alabama, 1975, shall, upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000.00).

(Ord. No. 325, §§ 1—5, 8-15-83)

Sec. 6-2. Alcoholic beverages in public places—Prohibited.

It shall be unlawful for any person to drink or have in open or unconcealed possession or custody, for drinking, selling, serving, dispensing; or give away; or attempt to drink, sell, serve, dispense, or give away, any liquor, wine or malt brewed beverages, while upon any street, avenue or alley or in any vehicle which is being operated or parked on any public street or highway within the city limits. As used in this section, the term "public place" means any place or gathering which the public generally attends or is admitted either by invitation, common consent or right, or by payment of any admission or other charge, and without limiting the generality of the foregoing, shall include any theatre, park or other place of amusement and any athletic contest; provided that such term does not mean or include premises which have been duly licensed by the city for sale thereon of such beverages.

(Ord. No. 103B, § 1, 5-19-75)

Sec. 6-3. Same—Penalty.

A violation of section 6-2 shall be deemed a misdemeanor and violators shall be subject to a fine not less than ten dollars (\$10.00) and not more than two hundred dollars (\$200.00), or imprisonment not to exceed ninety (90) days, or both.

(Ord. No. 103B, § 2, 5-19-75)

Sec. 6-4. Firearms; air rifles.

(a) It shall be unlawful for any person to shoot firearms, including air rifles, in the city within one hundred (100) yards of a dwelling or building. This section shall not apply to shooting of firearms by any lawful officer for the enforcement of the laws of the state or of the city and shall not apply to any act that may be preempted by Code of Alabama 1975, Section 11-45-1.1.

(b) Any person violating subsection (a) shall, upon conviction, be fined not more than five hundred dollars (\$500.00), and in the discretion of the court may be sentenced to hard labor on the streets of the city for a period not to exceed six (6) months.
(Ord. No. 124, 12-4-78)

Sec. 6-5. Obstructing waterways—Prohibited.

It shall be unlawful for any person to obstruct in any way the culverts, ditches or other waterways of the city in any manner that may cause expense to the city.

(Ord. No. 7, § 1, 11-10-17)

Sec. 6-6. Same—Penalty.

Any person who violates section 6-5 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one dollar (\$1.00) and not more than ten dollars (\$10.00), or shall be sentenced to not more than thirty (30) days in jail, or both such fine and imprisonment.

(Ord. No. 7, § 2, 11-10-17)

Sec. 6-7. Emergency powers of mayor.

(a) Whenever, in his judgment, the mayor or, in the event of his inability to act, the president of the council, determines that an emergency exists as a result of mob action or other civil disobedience causing danger of injury to or damage to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city:

- (1) To impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas forthwith to remove themselves from the public streets,

alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.

- (2) To order the closing of any business establishment anywhere within the city for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.
- (3) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.
- (4) To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

(b) Any emergency proclaimed in accordance with the provisions of this section shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining that an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the city council.

(c) Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of an emergency authorized herein shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the city jail for a period of not to exceed six (6) months, or by both such fine and imprisonment.

(Ord. No. 89, §§ 1-3, 4-15-68)

Secs. 6-8-6-30. Reserved.

ARTICLE II. FAIR HOUSING**Sec. 6-31. Definition.**

As used in this article, "real estate broker" means any person, firm, partnership or corporation licensed by the city that sells, rents, or leases real estate in the city for residential or commercial purposes.

(Ord. No. 142, § III, 8-27-79)

Sec. 6-32. Violation.

The violation of this article shall be punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment or hard labor for not more than six (6) months, or by both such fine and imprisonment, at the discretion of the court. Each day that any violation of any provision of this article shall continue shall constitute a separate offense.

(Ord. No. 142, § IV, 8-27-79)

Sec. 6-33. Discrimination.

It shall be an unfair housing practice and unlawful for any real estate broker licensed as such by the city:

- (1) To make any distinction, discrimination or restriction against any person in price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential or commercial purposes in the city, or in the furnishing of any facilities or services in connection therewith, predicated upon the race, color, religion, sex, national origin or ancestry of the prospective or actual buyer or tenant thereof.
- (2) To publish, circulate, issue or display or cause to be published, circulated, issued or displayed any communication, notice, advertisement, sign, or writing of any kind relating to the sale, rental, or leasing of any residential or commercial real property within the city which would indicate or express any limitation or discrimination in the sale, rental, or leasing of such residential or commercial real estate

predicated upon the race, color, religion, sex, national origin or ancestry of any such prospective buyer, lessee, or renter of such property.

- (3) To refuse to sell, lease, or rent real estate for residential or commercial purposes within the city because of the race, color, religion, sex, national origin or ancestry of the proposed buyer or renter.
- (4) To discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any residential or commercial housing unit or housing accommodation of the city because of the race, religion, sex, color, national origin or ancestry of such person.
- (5) To cheat, exploit, or overcharge any person for residential or commercial housing purposes or accommodations in the city because of the race, color, religion, sex, national origin or ancestry of such person.
- (6) To solicit for sale, lease, or listing for sale or lease, any residential or commercial real estate within the city on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, sex, national origin or ancestry.
- (7) To distribute or cause to be distributed written material or statements designed to induce any owner of residential or commercial real estate in the city to sell or lease his property because of any present or prospective change in the race, color, religion, sex, national origin or ancestry of persons in the neighborhood.
- (8) To deliberately and knowingly refuse examination by or any leasing of residential or commercial real estate within the city to any person because of race, color, religion, sex, national origin or ancestry.

(Ord. No. 142, § I, 8-27-79)

Sec. 6-34. Compliance by out-of-city brokers.

Any real estate broker not licensed by the city who shall exercise any function of a real estate broker within the city shall be deemed a broker under this article and shall be subject to all applicable provisions hereof.

(Ord. No. 142, § II, 8-27-79)

Sec. 6-35. Complaints.

(a) Any person aggrieved in any manner by any violation of any provision of this article may file a written complaint setting forth his grievance with the city clerk. Such complaint shall state the name and address of the complainant and the person against whom the complaint is brought and shall also state the alleged facts surrounding the violation of this article.

(b) The chief of police is hereby fully authorized immediately to investigate every such complaint thus filed. If he determines that the respondent has not engaged in an unlawful practice, he shall state his findings of fact in writing. If the chief of police determines after such investigation that probable cause exists for the allegation made in the complaint, he shall notify the mayor for further legal or conciliatory action.

(Ord. No. 142, § V, 8-27-79)

Secs. 6-36—6-50. Reserved.**ARTICLE III. ANIMALS****DIVISION 1. GENERALLY****Sec. 6-51. Abandoning animal.**

(a) It shall be unlawful for any person to abandon any animal within the city limits.

(b) Any person found to be in violation of this section shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 133, §§ 1, 2, 4-16-79)

Sec. 6-52. Goats running at large.

(a) No goat or animal of the goat kind shall be allowed to run at large within the corporate limits of the city, and it shall be unlawful for any such animals to run at large within the corporate limits of the city.

(b) The owner of any animal described in subsection (a) of this section, or any person having possession of same, who shall permit the same to run at large within the corporate limits of the city, or to be upon the premises of another within the corporate limits of the city, without the consent of the owner of the premises or person in possession thereof previously obtained, shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty dollars (\$20.00) and also may be sentenced to not more than ten (10) days at hard labor upon the streets of the city.

(Ord. No. 56, 1-8-30)

Secs. 6-53—6-70. Reserved.**DIVISION 2. DOGS****Sec. 6-71. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dog means male or female dogs, pet foxes, wolves and other members of the canine family; provided that no such animal shall be deemed to be a dog within the terms of this division unless it is three (3) months old or over.

Keeping includes harboring or confining.

Owner means any person owning, harboring or keeping a dog within the city, who has a right of property in a dog or who has a dog in his care or acts as its custodian or who permits a dog to remain on or about the premises occupied by him.

Vicious dog means a dog which has bitten or which, without provocation, shall bite 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.

(Ord. No. 126, § 1, 3-5-79)

Sec. 6-72. Penalties.

Any person who shall violate any of the provisions of this division shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), and may be imprisoned or sentenced to jail or hard labor for a period not exceeding six (6) months, or both such fine and sentence, at the discretion of the judge.

(Ord. No. 126, § 22, 3-5-79)

Sec. 6-73. Dog control officer generally.

The council shall appoint a dog control officer who shall be an employee of the city and shall be paid such salary as the council shall prescribe. The expenses of such dog control officer, in the performance of his duties, together with his salary, shall be paid from the general fund of the city, as may be necessary. It shall be the duty of the dog control officer to enforce the provisions of this article; to attempt to rid the city of stray, homeless, unclaimed and diseased dogs; to coordinate the functions of the humane officer with the work of the county rabies inspector and the county health department; and to perform such other duties as may be prescribed by the council.

(Ord. No. 126, § 2, 3-5-79)

Sec. 6-74. Registration.

It shall be unlawful for any person to own, possess, keep or harbor a dog within the city limits without first paying a one-dollar fee and registering and identifying such dog with the dog control officer. Each dog shall be identified by name, breed, age, and the owner's name and address. Upon the registration of such dog and the payment of such one-dollar fee by the owner, the dog control officer shall issue to the owner an identification tag for such dog. The identification tag shall be worn by such dog at all

times. The dog control officer shall maintain the identification and registration records for the city, and the records shall be open for public inspection.

(Ord. No. 126, § 3, 3-5-79)

Sec. 6-75. Inoculation—Required.

It shall be unlawful for any person to own, possess or keep a dog within the city without having such dog inoculated annually for rabies, as required by Code of Alabama 1975, Section 3-7-2.

(Ord. No. 126, § 4, 3-5-79)

Sec. 6-76. Same—Tag required.

In addition to the identification and tag requirements as provided in section 6-74, it shall be unlawful for any person to permit to run or be upon a street, alley, sidewalk, thoroughfare or public place with the city, unless secured by a suitable leash, any dog which does not have attached to it a dog inoculation tag, as required by Code of Alabama 1975, Section 3-7-4. Nothing contained in this section shall be construed as permitting any such dog, whether tagged or untagged, to become a nuisance or to run at large upon the premises of any person other than the owner thereof.

(Ord. No. 126, § 5, 3-5-79)

Sec. 6-77. Same—Transfer of tag.

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.

(Ord. No. 126, § 6, 3-5-79)

Sec. 6-78. Impounding of dogs at large not bearing current inoculation tag.

Any dog which is found at large on any street, alley, sidewalk, thoroughfare or public place in the city and which does not have attached to it an identification tag and an inoculation tag duly issued for it for the then current year, after vaccination, as prescribed in this article, in such then current year, is hereby declared to be a public nuisance, and it shall be the duty of the dog

control officer and his assistants, or the police department, to take up and impound in the pound every such dog. Any such dog, so impounded, may be retaken or redeemed from the pound by the owner thereof within five (5) days from impoundment thereof, or at any time thereafter before sale or destruction thereof, by paying to the poundmaster his fee, plus the cost of keeping such dog in the pound, at the prevailing rate per day. Every such dog which has remained in a pound for five (5) days and which has not been redeemed or retaken by the owner 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 city hall; provided, that no such dog shall be sold at a price of less than five dollars (\$5.00), plus the cost of keeping, as provided for in this section. No such dog shall be released from a pound, either to the owner or to the purchaser, unless and until the same shall have been inoculated, as prescribed, and a tag 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 shall be destroyed by the poundmaster in a humane manner without delay.

(Ord. No. 126, § 7, 3-5-79; Ord. No. 126A, 4-5-82)

Sec. 6-79. Dog retention period—Authority to designate; notice; confinement period.

In order to determine which dogs in the city are stray or homeless dogs, the designated officer of the city is hereby authorized to set apart and designate a period of seven (7) days whenever he deems it necessary, in which all owners in the city shall be required to keep their dogs on their own premises unless fastened to a suitable leash not more than eight (8) feet in length. Such period shall be known as the "dog retention period." During such period it shall be unlawful for any person to permit any dog to run at large in the city. In designating such period, the designated officer shall give notice of the seven-day notice designated by him as the dog retention period and shall publish such notice in some newspaper of general circulation in the city at least once a week for two (2) consecutive weeks prior to such period and

shall also give notice of the same in such other manner as he may deem appropriate.

(Ord. No. 126, § 8, 3-5-79)

Sec. 6-80. Same—Impounding of dogs at large.

During any dog retention period, all dogs found running at large or off the premises of the owner thereof, unless secured by a suitable leash of not more than eight (8) feet in length, shall be impounded and shall be kept in the pound for a period of five (5) days; the owner of any dog may claim the same by paying the board bill and the prevailing impounding fee; provided that no such dog shall be released from the pound until it has been inoculated for rabies and the fee for such inoculation has been paid. All dogs remaining unclaimed at the end of such five-day period shall be sold or disposed by the poundmaster in a humane manner.

(Ord. No. 126, § 9, 3-5-79)

Sec. 6-81. Collar or harness required; tag to be attached; removal, etc., prohibited.

Every dog over the age of three (3) months shall wear a substantial durable collar or harness, to which the identification tag and the inoculation tag provided for in this article shall be attached. It shall be unlawful for any person to attach such tags by wire, rope or other inhumane means. No person shall remove the collar or harness or the identification and inoculation tags from any dog without the consent of its owner.

(Ord. No. 126, § 10, 3-5-79)

Sec. 6-82. Female dogs in heat.

It shall be unlawful for the owner or keeper of any female dog to permit the same to run at large in the streets, alleys, thoroughfares or public places of the city while in heat. Any female dog in heat found running at large in the streets, alleys, thoroughfares or public places of the city, whether she has an inoculation tag attached or not, is hereby declared to be a public nuisance and shall be impounded by the dog control officer, the

humane officer or any police officer. Such female dog may be redeemed by the owner thereof under the same terms and conditions as are set forth in section 6-77.

(Ord. No. 126, § 11, 3-5-79)

Sec. 6-83. Inhumane treatment of dogs prohibited.

It shall be unlawful for the owner or keeper of any dog to keep the same in any enclosure or to keep the same on any leash or other restraint unless it shall be so arranged that such dog at all times shall have available water, shade and proper shelter; or to treat a dog in any other inhumane manner.

(Ord. No. 126, § 12, 3-5-79)

Sec. 6-84. Dogs on premises other than owner.

Any dog, whether wearing a 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 of such premises, by written sworn statement, be impounded by the dog control officer or the humane officer, or any police officer. The owner thereof, if known, shall be notified of such impoundment and, if not known, shall be notified prior to the sale of the dog by posting notice of the same as provided for in section 6-78. Such dog may be redeemed upon payment of the prevailing impounding fee, plus the cost of keeping. If not redeemed by the owner thereof within five (5) days, the dog shall be subject to disposition as provided for in section 6-78.

(Ord. No. 126, § 13, 3-5-79)

Sec. 6-85. Officers authorized to go on premises.

The dog control officer or any police officer of the city shall have the right for the public health, welfare and safety, to enter upon any property within the city or its police jurisdiction for the purpose of capturing any dog running at large or capturing any dog upon written complaint that such dog has bitten a human being, or capturing any vicious dog, or capturing any rabid dog. No person shall hinder, molest or interfere with any such officer who is authorized or empowered to perform any duty under this division.

(Ord. No. 126, § 14, 3-5-79)

Sec. 6-86. Rabid dogs.

When any dog is apparently suffering from rabies, the dog control officer or any police officer may lawfully destroy such dog in a humane manner wherever such dog is apprehended, without the necessity of impounding the same.

(Ord. No. 126, § 15, 3-5-79)

Sec. 6-87. Dog biting a person; impoundment.

Whenever the police department, the dog control officer or the rabies inspector shall receive information that any person has been bitten by a dog, the police officer, rabies inspector or dog control officer shall have such dog confined under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten (10) days. It shall be unlawful for any person having knowledge that any person has been bitten by any such dog to refuse to notify promptly one (1) or more of the officers mentioned in this section. It shall be unlawful for the owner of any such dog to refuse or fail to comply with any such recommendation made by the dog control officer, rabies inspector or police department in any particular case. It shall be unlawful for the owner of any such dog to refuse to deliver possession of any such dog to any of such officers demanding possession of the dog, and the police department, rabies inspector or dog control officer shall have the right to go upon the premises of the owner of such dog and forcibly take the dog and place it with a licensed veterinarian. Any expenses incurred in the handling of any such dog, including the fees of the licensed veterinarian and the board of such dog, shall be borne by the owner. The dog shall not be returned to the owner until such fees are paid to the licensed veterinarian. If the owner refuses to pay the fees to the licensed veterinarian and the dog is determined not to be rabid by the licensed veterinarian, then the veterinarian shall deliver the dog to the pound and the dog shall not be delivered or returned to the owner until all fees and expenses have been collected. If the owner neglects, fails or refuses to pay such fees, the dog shall be disposed of as provided for in section 6-78. The veterinarian under whose care a dog has been committed shall report the results of his observations of such dog to the person bitten or his physician or, in the case of a

minor, to the parent or physician of the minor, or the custodian or guardian of the minor.

(Ord. No. 126, § 16, 3-5-79)

Sec. 6-88. Vicious dog; 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.

(Ord. No. 126, § 17, 3-5-79)

Sec. 6-89. Enclosures for vicious dogs—Posting of premises.

Whenever a vicious dog is permitted to run at large within a wall, fence, or other structure, 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.

(Ord. No. 126, § 18, 3-5-79)

Sec. 6-90. Same—Authority of dog control officer when enclosure determined inadequate.

Whenever a vicious dog is not properly or securely confined, the dog control officer or the police department 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 determines to be adequate, the dog control officer or the police department may order confinement of such dog with such person or organization as the dog control officer shall determine, or may impound such dog in the pound. The cost of feeding and caring for the dog shall be paid by the owner at the prevailing rate per day. If the owner of such dog fails to provide an enclosure which the dog control officer determines to be adequate within thirty (30) days, such dog may be disposed of by

extermination or by whatever method is selected by the humane officer, or the dog may be disposed of as directed by the dog control officer.

(Ord. No. 126, § 19, 3-5-79)

Sec. 6-91. Reporting of vicious dogs; sworn statement; procedure upon first indication of viciousness.

Whenever 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 the claim that the dog is vicious. Such sworn statement shall be delivered to the dog control officer or the police department. Upon receipt of such sworn statement, the dog control officer or police department shall immediately make an investigation. If, in the opinion of the dog control officer or the opinion of the chief of police, the dog is vicious, and if he further finds that the incident reported is the first incident or indication of viciousness on the part of the dog, the dog control officer or the chief of police shall order such dog confined. If the owner of the dog does not immediately provide a proper enclosure, the dog control officer or police department shall confine such dog with such person or organization as the dog control officer or police department shall determine, or the dog may be impounded in the pound for a period not exceeding thirty (30) days. If the owner of such dog fails to provide an enclosure which the dog control officer or police department determines 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.

(Ord. No. 126, § 20, 3-5-79)

Sec. 6-92. Liability of owner of vicious dog.

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

(Ord. No. 126, § 21, 3-5-79)

Sec. 6-93. Dogs in city parks.

(a) For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection, to wit:

Dog means male or female dogs, pet foxes, wolves and other members of the canine family.

Owner means any person owning, harboring or keeping a dog within the city, or who has a right of property in a dog or who has a dog in his care or acts as its custodian or who permits a dog to remain on or about the premises occupied by him, or any person who otherwise has a dog in his possession and/or control.

(b) It shall be unlawful for any owner or any other person to allow any dog to be at any place within any city park unless such dog shall be secured by a suitable leash not more than eight (8) feet in length, which leash shall be secured at all times to such dog and to such person. It shall be unlawful for any owner or other person to permit or allow any dog to run at large within the city parks in this city.

(c) Any dog which is found at large in any city park in the city is hereby declared to be a public nuisance, and the police department or dog control officer may take such dog and impound the same. Any such dog, so impounded, may be retaken or redeemed by the owner thereof within three (3) days from such impoundment, or at any time thereafter before the sale or destruction thereof, by paying to the holding facility a fee set by the operator of the facility used, plus a cost of keeping such dog in such facility, at the rate required by the city or the person setting such rate. Dogs not redeemed as herein provided shall be destroyed or disposed of by the facility in a humane manner consistent with normal procedure.

(d) In city parks, this section takes precedence over the other provisions of this division.

(e) A violation of any of the provisions of this section by any person shall constitute a misdemeanor. Any person who shall violate any of the provisions of this section shall be fined not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) and may be imprisoned or sentenced to jail or hard labor for a period not exceeding six (6) months, or both, at the discretion of the judge.

(Ord. No. 322, §§ 1-4, 3-19-84)

[The next page is 381]

