

ORDINANCE NO. 485

BE IT ORDAINED by the Mayor and City Council of Hamilton, Alabama as follows:

Section 1. Definition of Terms. As used in this ordinance:

A. "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

B. "Vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

2. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or

3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

4. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

C. A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

Section 2.

Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

Section 3.

Leash and Muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall

be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

Section 4. Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

Section 5. Dog Fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

Section 6. Penalties. Whoever violates any provision of this ordinance shall be guilty of a gross misdemeanor and may be punished by a fine of not less than \$100.00 and not more than \$500.00, or imprisonment of not more than 90 days in jail, or by both fine and imprisonment.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance 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 ordinance.

ADOPTED this the 14th day of August, 1990.