

**AN ORDINANCE TO PROHIBIT DOGS IN CERTAIN PUBLIC PARKS AND
AN ORDINANCE TO PROHIBIT DOG WASTE**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Dogs, Article III, Division 1 be and hereby is amended by adding thereto the following:

Section 1 – Amendatory Provisions

Prohibited in Certain Public Parks (Section 6-65)

- (a) The City Council has determined that it is harmful to the health and safety of people who visit, participate in, or attend events or functions at certain public parks (“restricted parks” as hereinafter defined) for dogs or puppies (collectively “dogs”) to be in said restricted parks at any time, regardless of whether the dogs are running at large or are under restraint, because of the resulting presence of canine feces and the risk that someone may be bitten or attacked by a dog.

- (b) Any dog, whether or not such dog shall have attached to it a license tag and whether or not such dog is on a leash held by a person, which is, at any time, in any part of the restricted park, shall be deemed to be a public nuisance and danger to the health and safety of the people who visit or participate in or attend events. As used in this section, “restricted parks” shall mean and include:
 - Crestline Tot Lot on Church Street in Crestline Village

- (c) The owner or other person in charge of any dog (“responsible party”), which is found, at any time, in any part of the restricted park shall be subject to the penalties provided in Section 1-9.

- (d) The dog warden or any police officer of the City shall serve upon any responsible party found to be in violation of this section, a citation to appear in the municipal court of the City at the time and date specified therein to answer the charge of such violation. Prior to the time such case is to be heard in the municipal court the responsible party charged in such citation, if he has not previously settled for, or been convicted of, six or more violations of this section within the period of twelve (12) months prior to the date of such citation, may dispose of the citation by settlement by paying to the clerk of the municipal court a fine for the offense charged in the following amounts:
 - (1) \$25 if the offense charged is the first such offense by such responsible person within such 12 month period;
 - (2) \$50 if the offense charged is the second such offense by such responsible person within such 12 month period;
 - (3) \$75 if the offense charged is the third such offense by such responsible person within such 12 month period;

- (4) \$100 if the offense charged is the fourth such offense by such responsible person within such 12 month period;
- (5) \$125 if the offense charged is the fifth such offense by such responsible person within such 12 month period; or
- (6) \$150 if the offense charged is the sixth such offense by such responsible person within such 12 month period.

If settlement of the charge set out in the citation is not made prior to 12:00 pm on the date the case is set for trial in municipal court, and if the party charged fails to appear and answer such charge in municipal court, or such charge has not otherwise been disposed of by such court, a \$20 penalty will be added to the violation. If a person receiving a citation as herein provided has within the period of twelve (12) months prior to the date of such citation settled or been convicted of six or more such violations, he shall not be permitted to settle the instant alleged offense, but shall be required to stand trial in municipal court and shall be subject to the penalties provided in Section 1-9.

- (e) The provisions of this section to the contrary notwithstanding, every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, and every hearing-impaired person shall have the right to be accompanied by a hearing dog, especially training for the purpose, and every person employed by an accredited school for training guide dogs shall have the right to be accompanied by a guide dog in training in any of the places listed in this section.

Section 2 – Repealer

All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

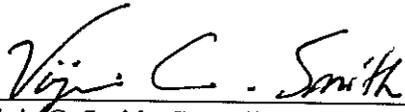
Section 3 – Severability

If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 4 – Effective Date

This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 20 day of July, 2009



Virginia C. Smith, Council President

APPROVED: This 20 day of July, 2009.



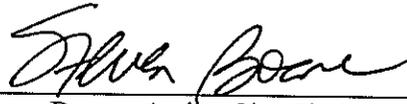
Lawrence T. Oden, Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on July 20, 2009, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 21, 2009, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
The Invitation Place, 3150 Overton Road

Piggly Wiggly Foodstore No. 4, 93 Euclid Ave.
Joe Muggs Newsstand, 2037 Cahaba Road



Steven Boone, Acting City Clerk