

1975, §3-1-3; liability of owners of dogs biting or injuring persons, §3-6-1, et seq.

Sec. 4-20. Noisy dogs.

It shall be unlawful for any person to confine, harbor or keep at any place or on any premises within the City and the police jurisdiction thereof any dog which frequently and habitually makes or emits sounds or noises of such volume, nature or extent as to be a public nuisance by reason of interfering with the customary use and enjoyment of property of ordinary persons in that neighborhood.

In keeping with the spirit of communities, persons within the corporate boundaries of the City of Vestavia Hills are encouraged to address concerns of alleged violations of this section with the dog owner prior to seeking assistance from the City.

Complaints regarding noisy dogs must be filed with the Vestavia Hills Police Department. The procedure for abatement of a noisy dog shall be incorporated into this Ordinance 2098 as follows:

(1) Upon first complaint to the Police Department of a noisy dog, the responding police officer shall complete an incident report relating the facts of the complaint to be signed by the complaining party(ies). As it relates to noisy dogs, multiple complaints within a single twenty-four (24) hour period will constitute a single complaint.

- a) After completing a signed complaint, the officer shall also attempt to notify the owner of the dog to advise said owner that the dog is alleged to be in violation of Section 4-20 of said Ordinance Number 2098 and shall issue a verbal warning detailing the complaint. The responding

(2) Upon a second complaint of a noisy dog within any continuous ninety (90) day period which includes a prior complaint, the responding police officer shall complete a subsequent incident report signed by the complaining party(ies) upon which the Municipal Court Clerk shall summons both the complaining party(ies) and alleged offending party to mandatory mediation at a date to be determined and set by the Municipal Court Clerk.

(3) Upon a third complaint of a noisy dog within any continuous ninety (90) day period which includes two prior signed complaints, the responding officer shall complete an incident report and the complaining party(ies) shall file with the Municipal Court Clerk a sworn deposition and signed complaint charging such alleged offending party with the violation of Section 4-20 of this Ordinance Number 2098. Municipal Court Clerk shall issue a summons, which shall be obtained, served and tried in the Municipal Court as provided by law. Failure to answer summons by the court date as set forward by the Municipal Court Clerk shall result in the issuance of a warrant charging such alleged offending party with the violation as set forth in the complaint. Such warrant shall be obtained and served and the alleged offending party shall be arrested and required to post bond, as provided by law for the arrest and adjudication of offenses involving violations of Ordinances of the City and the alleged offending party shall be required to answer to said offense in Municipal Court. Convictions for violation of this Ordinance 2098 are subject to the fines and penalties prescribed by the State of Alabama for a misdemeanor offense, plus court costs.

(4) At any time, the complaining party(ies) may file with the Municipal Court Clerk a sworn complaint detailing violations of Section 4-20 of this Ordinance Number 2098 to which the Municipal Court Clerk shall issue a summons charging such alleged