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OFFICE OF THE ATTORNEY GENERAL



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Honorable Clarence Bishop  
Chairman  
Baldwin County Commission  
P. O. Box 148  
Bay Minette, Alabama 36507

Counties - Animals - Licenses  
and Permits

Adoption of the proposed  
ordinance by the Baldwin County  
Commission regarding the  
licensing and vaccination of  
dogs is a valid exercise of its  
police power.

Dear Mr. Bishop:

Reference is made to the request by the Baldwin County  
Commission for an opinion of the Attorney General regarding a  
proposed ordinance providing for the operation of an animal  
shelter and requiring the licensing of dogs. Among other  
things the ordinance provides for:

- "(1) That a license be purchased for dogs.
- (2) That animals be kept under restraint.
- (3) Issuance of a citation by the im-  
pounding or enforcement officer.
- (4) Penalties in the form of fines for  
violation of the ordinance.
- (5) The humane disposal of animals.
- (6) Charges for the upkeep of an animal  
when it is returned to its owner."

As stated in the letter accompanying the resolution of  
the County Commission Code of Alabama 1975, Section 3-7-7  
requires a county to provide a suitable county pound for  
animals running at large.

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Chairman  
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A municipality or county may adopt and enforce regulations pertaining to dogs as part of its police power. Sentell v. New Orleans & Carrollton Railroad Co., 166 U.S. 698, 17 S.Ct. 693, 41 L.Ed. 1169 (1897). A license tax for the privilege of owning a dog may be levied. Barefield v. State, 16 Ala.App. 491, 79 So. 396 (1918); City of Birmingham v. West, 236 Ala. 434, 183 So. 421 (1938).

It has been determined by the courts that statutes or ordinances which prohibit dogs from running at large unless properly registered and wearing a prescribed collar or tag or unless muzzled have generally been upheld as a valid exercise of police power. Penalties and fines for the violation of such laws have been declared valid. 4 Am.Jur.2d, Animals, § 23,24. Furthermore, it has been concluded that a municipality or county when authorized by the Legislature may enact ordinances providing for the taking up and impounding of animals running at large in streets or public places, for selling the animals if they are not redeemed by their owners and for the deduction of fees and expenses from the proceeds of the sale. 4 Am.Jur. 2d, Animals, § 41. The courts have upheld statutes authorizing police officers and other persons to kill unlicensed dogs running at large. 4 Am.Jur.2d, Animals, § 63.

Although there is a state statute requiring the vaccination of dogs against rabies, this does not prohibit a county from enacting additional requirements or regulations regarding the vaccination of dogs such as the additional requirement of a license tax. City of Birmingham v. West, supra.

Therefore, it is the opinion of the Attorney General that the adoption of the proposed ordinance by the Baldwin County Commission regarding the licensing and vaccination of dogs is a valid exercise of its police power.

If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

By:



LYNDA K. OSWALD  
Assistant Attorney General