

ORDINANCE NO: 2013-01

AN ORDINANCE TO REGULATE THE CONTROL OF DANGEROUS ANIMALS

BE IT ORDAINED by the Town Council of the Town of Morris, Alabama, a Municipal Corporation, as follows:

Any animal which exhibits any aggressive behavior should be considered a dangerous animal. Dangerous animals will not be permitted within the Town of Morris. If any animal bites a human being or another animal and shows aggressive behavior, such animal must be confined as listed below.

Section 1. Definition of dangerous animal

For the purposes of this ordinance a "dangerous animal" means and includes:

- (1) Any mammal, amphibian, fish, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys, foxes, elephants, alligators, crocodiles, and snakes which are venomous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup.
- (2) Any dog or cat which has a disposition or propensity to attack or bite any person or domesticated animal without provocation, has been trained for fighting or is kept primarily for the purpose of fighting. For the purposes of this article, where the official records of the animal control officer or police chief indicate a dog or cat has bitten any person or persons, it shall be prima facie evidence that the dog or cat is a dangerous animal. Any dog which is known by the owner or person in charge to habitually charge at persons on the public streets and other public ways shall be presumed to be dangerous, whether or not such dog has actually bitten or attacked a person or other animal.

Section 2. Exceptions for dangerous animal

A dog may not be declared a dangerous animal in any of the following circumstances:

- (1) When an injury or damage was sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner or harbinger of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

- (2) When an injury or damage was sustained by another animal which, at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog alleged to be dangerous.
- (3) When the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- (4) When an injury to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property or under the control of its owner or harbinger, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
- (5) When the dog was responding to pain or injury or protecting itself, its kennel or its offspring.
- (6) When a person or domestic animal was disturbing the natural function of the dog such as sleeping or eating.

Section 3. Authority and Enforcement

- (1) The provisions of this chapter are enforceable by any animal control officer, law enforcement officer, or other duly designated agent or employee of the town. Said officer has the right to go onto private property when necessary to apprehend an animal in violation of this chapter.
- (2) Law Enforcement is hereby authorized to use deadly force, if necessary, to restrain a dangerous animal that poses an immediate threat to town personnel attempting to discharge the duties of their employment or to the public at large.

Section 4. Confinement of animal that has bitten or injured a human being or other animal

- (1) It shall be the duty of the owner or person in charge of any animal which has bitten or otherwise injured a human being to immediately notify the animal control officer or Police Department of such fact upon learning thereof, and it shall thereupon be the duty of such owner or person in charge to securely confine such animal, at an approved licensed veterinary clinic at the owner's expense, for not less than ten (10) days, or
- (2) The animal control officer, police officers, or county health officer shall have authority to quarantine or require confinement of any or all animals in any part or all of the Town for such period of time and in such a manner as he may determine whenever he considers same necessary for the control of rabies or the protection of the public health, safety and welfare.

Section 6. Court order upon determination of dangerous animal

Immediate determination: If an animal attack is said to be that of a dangerous animal the Town can issue an immediate pick up order of the animal. The owner or said responsible party will be cited with the Ordinance and given a court date to determine such penalty for the violation.

Section 5. Determination of the dangerous animal by the Town

Upon the sworn complaint of any person, including any police officer or animal control officer, the Town may evaluate the animal in question. The Town may consider the following:

- (a) The seriousness of any attack or wound.
- (b) The past history of wounds and damage inflicted by the animal.
- (c) The potential propensity of the animal to inflict wounds or damage in the future.
- (d) The conditions existing when the animal inflicted any wound or damage.
- (e) The conditions under which the animal is kept and maintained.

Section 7. Failure to Comply with Confinement

It shall be unlawful for the owner, keeper or harbinger of a dangerous animal to fail to comply with the requirements and conditions set forth in this Ordinance. Any animal found to be the subject of a violation of this shall be subject to immediate seizure and impoundment. If, upon the trial of any charge against any person for keeping any such animal contrary to the provisions of this Ordinance, it shall appear to the municipal judge that the dog is still living. The judge, in addition to the punishment provided for the owner, keeper or harbinger violating this ordinance, may on the first conviction and shall on the second conviction order the animal control officer or any police officer to forthwith cause such dog to be put to death, and for that purpose any animal control officer or police officer charged with such duty shall have the right to enter upon any premises within the city.

Section 8. Penalty for Violation

The penalty for the violation of any provision of this Ordinance shall be as follows: first offense, not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) and/or not to exceed six (6) months in jail. In addition, the Court shall assess the violator with any and all cost incurred for the impoundment or destruction of the animal. The Court may also issue the following orders:

- (a) To impose on the defendant a requirement that the animal be removed from the city limits if the animal is deemed to present a danger to citizens or the public safety;
- (b) To impose as a specific condition on the defendant reasonable conditions and restrictions, relating to the possession and/or control of the animal in the city;
- (c) Where applicable, assess all cost or expenses of the victim, including restitution, against said owner or responsible person; and
- (d) Any cost incurred by the animal control officer in seizing, impounding, confining or disposing of any dangerous animal, pursuant to this ordinance shall be charged against the owner, keeper or harbinger of such animal and shall be collected by the court.
- (e) Such other terms and conditions within the law as the court may deem proper under the circumstances.

Section 9. Exemption

A law enforcement agency which maintains an animal trained and certified to assist in law enforcement.

Section 10. Conflicts with state statutes and municipal ordinances


This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to same and in no manner intended

to supersede any such statutes of the State of Alabama. Any provision hereof in conflict with any provision of any state statute shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such state statute.

Effective Date

The provisions of this Ordinance shall become effective immediately upon the passage and approval thereof by the Town Council of the Town of Morris, Alabama and the publication and/or posting thereof as required by Alabama Law.

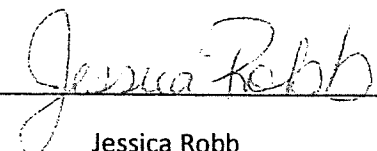
DONE, ORDERED, APPROVED and ADOPTED, this the 25th day of June, 2013



Joe Pylant

Mayor

Attested by:



Jessica Robb

Town Clerk