

ORDINANCE NO. 2050

**ORDINANCE AMENDING CHAPTER 14 OF THE MUNICIPAL CODE
PERTAINING TO THE REGULATION OF DANGEROUS ANIMALS**

WHEREAS, the Northport City Council has received complaints from different neighborhoods about residents housing dangerous animals that have run loose and caused serious injury or death to other residents' pets; and

WHEREAS, these same residents have allowed these dangerous animals to run free, in violation of the City's leash laws causing concern and fear of serious bodily injury by other residents; and


WHEREAS, it is in the best interest of the City to regulate dangerous animals kept by residents within the City of Northport and provide penalties to those residents who do not responsibly control these potentially dangerous animals.

**IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHPORT,
ALABAMA AS FOLLOWS:**

1. That Chapter 14, Article VII, Section 14-173, Section 14-174, Section 14-176, and Section 14-179 of the Northport Municipal Code be amended and shall hereby read as Exhibit "A" which is attached hereto and incorporated herein by reference as if fully set out verbatim.
2. That this Ordinance shall become effective immediately.

ORDAINED this the 14th day of September, 2020.

**CITY COUNCIL OF THE
CITY OF NORTHPORT**



Jay Logan
Council President

ATTESTED:



Warren H. McCollum
Interim City Administrator

APPROVED this the 14th day of September, 2020.



Donna Aaron, Mayor

I hereby certify that the above and foregoing Ordinance was published on _____, 2020 in the Northport Gazette, a newspaper of general circulation published in the City of Northport.



Warren H. McCollum, Interim
City Administrator

1st Reading: July 6, 2020
Motion By: Davis
2nd Reading: September 14, 2020
Motion By: Logan
Second By: Hogg
Publication: September 23, 2020

EXHIBIT “A”

Article VII. - DANGEROUS ANIMALS

Sec. 14-173. - Sworn statement; dangerous animal investigation.

- (a) When a person claims that an animal is dangerous, the person shall make a sworn statement before a ~~city magistrate~~ sworn law enforcement officer setting forth the name of the animal owner, if known, the location where the animal is being kept in the city, and the reason he or she believes the animal to be dangerous.
- (b) The sworn statement shall be delivered to an animal control ~~officer~~ supervisor who shall complete a dangerous animal investigation. When the sworn statement claims that an animal has caused physical injury, serious physical injury or death to a person, or a protected animal, the duties of the animal control ~~officer~~ supervisor, including, but not limited to, the dangerous animal investigation, shall be carried out by a law enforcement officer.
- (c) An animal control ~~officer~~ supervisor may initiate a dangerous animal investigation in cases where a complaint has been made pursuant to section (a) and a person or protected animal has been bitten, received physical injury or serious physical injury, has died or has other reasons to believe this such investigation is warranted.
- (d) In the event a dangerous animal investigation leads an animal control ~~officer~~ supervisor to believe the allegation is founded, or further action warranted, the following shall occur:
 - ~~(1) The animal control officer shall meet with his or her supervisor (as determined by the chief of police). The supervisor shall review the investigation and undertake any additional investigation he or she deems appropriate.~~
 - (1) The supervisor shall meet with the city prosecutor to determine if there is sufficient information to believe the allegations that the animal in question is or could likely be deemed to be dangerous.
- (e) In the event the dangerous animal investigation leads the city prosecutor to believe the allegation is unfounded, the animal control ~~officer~~ supervisor shall advise the complainant of these findings. ~~and the animal control officer shall submit the results of the investigation to his or her supervisor.~~
- (f) A copy of all investigations made pursuant to this section shall be kept on file in the animal control office.
- (g) No further action is required by the city.

Sec. 14-174. - Hearing in municipal court; procedures.

- (a) In the event a dangerous animal investigation leads the city prosecutor to believe the allegation is founded, all of the following shall occur:
 - (1) The ~~animal control officer~~ City Magistrate shall file a summons for the owner of the animal, if known, with the municipal court.
 - (2) The animal control ~~officer~~ supervisor shall send a copy of the investigation file to the municipal prosecutor.

- (3) The animal control supervisor shall issue a citation and summons to the owner of the animal declaring that the animal caused physical injury, serious physical injury or death to a person or protected animal in the City. The owner of the animal shall be served with the summons and citation (petition). ~~The municipal prosecutor shall file a petition in the municipal court to declare dangerous the animal that caused physical injury, serious physical injury, or death to a person or protected animal in the city. The owner of the animal, if known, shall be served with a copy of the petition.~~
- (4) An animal that is the subject of a dangerous animal investigation may not be relocated and ownership may not be transferred pending the outcome of the investigation and hearing to determine whether to declare the animal to be dangerous without permission of the municipal court. The animal shall be immediately impounded pursuant to section 14-172 if the animal is not already impounded.
- (5) The court hearing shall be held as soon as practicable. At the hearing, the municipal prosecutor shall present evidence that the animal is dangerous. To declare the animal dangerous, the court shall find by reasonable satisfaction that the animal bit, attacked, or caused physical injury, serious physical injury, or death to a person or protected animal without justification or that the animal may likely cause harm to persons or protected animals in the future.
- (6) In making its determination, the court may consider the size; breed characteristics of the animal; the propensity of the animal to cause future physical injury or serious physical injury; the training, or lack thereof provided by the owner of the animal; the enclosure used by the owner to confine the animal and protect the public; and any other matter the court deems appropriate in making its decision. The court may also consider the following:
 - a. The animal bites or attacks a person or protected animal which is trespassing on the property of the animal's owner;
 - b. The animal bites or attacks a person who provokes or torments the animal; or
 - c. The animal responds in a manner that an ordinary and reasonable person would conclude was intended to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

Sec. 14-176. - Animal is dangerous but has not caused serious physical injury or death to a person (Emily's Law).

- (a) If the court determines that the animal is dangerous but has not caused serious physical injury or death to a person, the court shall determine whether the animal has a propensity to cause future serious physical injury or death. If the court determines by reasonable satisfaction that the animal has such a propensity, the court may order the animal to be humanely euthanized by a licensed veterinarian or authorized animal control officer or the court may order the animal be returned to its owner pursuant to all of the following conditions:

- (1) The animal shall be held in impound until the owner complied with all orders of the court, but if the owner fails to comply with all orders of the court within 30 days of the court's order, the animal shall be humanely euthanized.
- (2) The dangerous animal shall be microchipped.
- (3) The owner of the dangerous animal shall provide a copy of the certificate of the current rabies vaccination of the animal if appropriate for the animal.
- (4) The dangerous animal shall be spayed or neutered.
- (5) The owner of the dangerous animal shall be required to pay all expenses involved with the investigation, pickup, and impoundment, and any court costs or fees related to the hearing to determine whether the animal is dangerous.
- (6) The owner of the dangerous animal shall be required to pay an annual dangerous animal registration fee of \$100.00 to the city for an animal deemed dangerous by a court or pay a penalty of \$100.00 to the city for non-registration within two weeks of the court order.
- (7) The owner shall be required to obtain a surety bond of at least \$100,000.00 and shall provide proof to the court or animal control ~~office~~ supervisor.
- (8) The surety bond required by subparagraph (7) shall provide coverage for bites, injuries, or death caused by the animal.
- (9) The owner shall provide proof of the surety bond each time the annual dangerous animal registration fee is paid.
- (10) The owner of the dangerous animal shall provide proof to the court that he or she has constructed a proper enclosure for a dangerous animal pursuant to section 14-171. (See Alabama Code Section 3-6A-4 (h)(2)) (Emily's Law).

Sec. 14-179. - Owner criminally liable for animal attack; owner liable for impoundment expenses; penalty for failure to leash a dangerous animal; penalty for failure to surrender a dangerous animal; penalty for false reports.

I. Injury to Persons (Emily's Law).

- (a) If an animal that has previously been declared by a court to be dangerous, when unjustified, attacks and causes serious physical injury or death to a person, the owner of the attack shall be guilty of a class B felony.
- (b) If an animal that has not been declared by a court to be dangerous, when unjustified, attacks and causes serious physical injury or death to a person, and the owner of the animal had prior knowledge of the dangerous propensities of the animal yet demonstrated a reckless disregard of the propensities under the circumstances, the owner of the animal shall be guilty of a class C felony.

- (c) If an animal that has previously been declared by a court to be dangerous, when unjustified, attacks and causes physical injury to a person, the owner of the animal shall be guilty of a class A misdemeanor.
- (d) If an animal that has not been declared by a court to be dangerous, when unjustified, attacks and causes physical injury to a person, and the owner of the animal had prior knowledge of the dangerous propensities of the animal yet demonstrated a reckless disregard of the propensities under the circumstances, the owner of the animal shall be guilty of a class B misdemeanor.
- (e) In addition to any fines imposed by the court, a person guilty of violating section (a), (b), (c), or (d) shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding, and veterinary expense necessitated by impoundment of the animal, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal.
- (f) When an animal declared to be dangerous is outside and not contained in the proper enclosure of a dangerous animal pursuant to section 14-171 the owner of the dangerous animal shall be present and shall restrain the dangerous animal with a secure collar and suitable leash.
 - (1) An Owner of an animal declared to be dangerous who violates subdivision (f) shall be guilty of a class C misdemeanor, except that a second or subsequent adjudication or conviction is a class B misdemeanor.
- (g) An owner of an animal that is the subject of a dangerous animal investigation who refuses to surrender the animal to an animal control officer or law enforcement officer, upon the request of the animal control ~~officer~~ supervisor or law enforcement officer, shall be guilty of a class C misdemeanor.
- (h) Any person who knowingly makes a false report to an animal control officer for law enforcement officer that an animal is dangerous is guilty of a class C misdemeanor. (See Alabama Code Section 3-6A-5) (Emily's Law).

II. Injury to a Protected Animal.

- (a) If an animal that has previously been declared by a court to be dangerous, when unjustified, attacks and causes Physical injury, serious physical injury or death to a protected animal, the owner of the animal shall be guilty of a misdemeanor.
- (b) If an animal that has not been declared by a court to be dangerous, when unjustified, attacks and causes physical injury or serious physical injury or death to a protected animal and the owner of the animal had prior knowledge of the dangerous propensities of the animal yet demonstrated a reckless disregard of the propensities under the circumstances, the owner of the animal shall be guilty of a misdemeanor.
- (c) In addition to any fines imposed by the court, a person guilty of violating subsection (a), or (b) shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding, and veterinary expenses necessitated by impoundment of the animal, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal.