

**JACKSON COUNTY, ALABAMA**  
**DANGEROUS ANIMAL ORDINANCE**

Relating to animals; to establish procedures by which animals can be declared dangerous to other Citizens; to allow for the animal to be humanely destroyed; to provide that an animal found to be dangerous, but which has not caused serious physical injury to a person, could be returned to the owner if certain requirements are met; to provide for penalties; to provide immunity for county officers and employees; to promote the humane treatment of animals.

**Section 1. Purpose.**

Realizing that most people living in a rural environment are accustomed to allowing many types of animals roam free. It is our goal to establish animal control procedures that retain as much of the current environment as possible, while protecting the health and safety of our Citizens. This Ordinance is not intended to control all domestic animals but only those animals that are alleged to be dangerous as provided for herein.

The Jackson County Commission finds that certain animals are an increasingly serious and widespread threat to the safety and welfare of citizens of this county by virtue of their unprovoked attacks on, and associated injuries to, individuals and other animals; that these attacks are in part attributable to the failure of owners to confine and properly train and control these animals; that existing laws inadequately address this problem; and it is therefore appropriate and necessary to impose a uniform set of requirements on the owners of dangerous animals.

**Section 2. I. Definitions.**

The following words shall have the following meanings:

*Animal* means any organism of the kingdom Animalia other than a human being, especially a mammal, fish, bird or reptile.

*Animal Control Center* means the place designated or used as such by the county for a place of confinement for animals held under the authority of this chapter.

*Animal Control Officers* means the director and all enforcement officers assigned to the animal control duties within the Jackson County Sheriff's Department.

*Attack* means any aggressive physical contact initiated by an animal, or any aggressive contact or behavior initiated by the animal which necessitates defensive action by any person to prevent bodily harm.

*Bitten* means the seizure of skin with the teeth of an animal so that the skin of the person seized has been gripped, wounded or pierced.

*Dangerous Animal* means an animal, except a dog used by law enforcement officials for legitimate law enforcement purposes, regardless of its species or breed, that has bitten, attacked, or caused physical injury to a human being or a domesticated animal without provocation; has repeatedly bitten or caused physical injury to humans or domesticated animals; has attacked in a manner which requires a defensive action by any person to prevent bodily injury; or consistently chases, snaps, hisses, snarls, growls, barks or displays other aggressive behavior at human beings or domestic animals without reason or provocation.

*Domesticated animal* means any tame domesticated dog, cat, guinea pig, hamster, ferret, rabbit, or other domesticated animal regularly kept as a pet; tame horses, and typically non-aggressive livestock such as cattle, sheep or goats. Domesticated animal shall not include any feral animal running at large or owned, but not yet tamed.

*Impounded* means the animal is taken into the custody of law enforcement or animal control officers and confined in the animal control center or other such similar facility as may be approved by the animal control director.

*Owner* means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by him.

*Physical injury* means an injury as defined in Section 13A-1-2(12), *Code of Alabama 1975*.

*Proper enclosure for a dangerous animal* means an enclosure that is suitable to prevent the entry of the general public and that:

- a. is capable of being locked with a key, key pad, or combination lock when the animal is within the structure or when the structure is unattended;
- b. has secure sides, a secure top and a secure concrete, or other comparable material, bottom and is attached securely at all sides. All four sides of the fence or

pen must be sunk at least one foot into the ground to prevent the animal from digging out;

c. provides adequate ventilation and protection from the elements;

d. exhibits a sign conspicuously posted upon the property and the pen or structure containing the following: "Dangerous Animal - No Trespassing;" and

e. is constructed to allow the animal to stand normally and without restriction and shall be not less than fifteen (15) square feet.

*Serious physical injury* means an injury as defined in Section 13A-1-2(14), *Code of Alabama 1975*.

## **II. Declaration of a dangerous animal.**

(a) An animal control officer or law enforcement officer shall investigate any incidents involving any animals reported to be dangerous animals.

(b) If an animal, which is un-owned and has been reported to be dangerous, bites a person, the animal shall be quarantined and destroyed pursuant to Section 3-7A-9(b), *Code of Alabama 1975*. For purposes of this subsection, "bites" means the same as "has been exposed" as defined in Section 3-7A-1(4), *Code of Alabama 1975*.

(c) Upon the determination that there is probable cause to believe that an owned animal is dangerous and has caused serious physical injury to a human being, a law enforcement officer or animal control officer shall immediately impound the animal pending a final disposition of a petition to declare the animal to be dangerous.

(d) If it is determined that there is probable cause to believe that an owned animal is dangerous and has caused, without provocation, serious physical injury or death to a domesticated animal, a law enforcement officer or animal control officer may impound the animal, subject to the discretion of the animal control director, pending disposition of a petition to declare the animal to be dangerous. If impounded, the owner of the animal shall be liable for the costs and expenses incurred in the impounding, feeding and providing veterinary care or treatment for the animal upon a finding of the Court that the animal is a dangerous animal. If the animal is not impounded, all other provisions of this section shall still apply.

(e) The county, through the Animal Control Officer, shall file a petition in the District Court of Jackson County, Alabama to declare the animal dangerous. The owner of the animal shall be served with a copy of the petition.

(f) An animal that is the subject of a dangerous animal investigation may not be relocated and ownership shall not be transferred pending the outcome of the investigation and hearing to determine whether to declare the animal to be dangerous.

(g) The court hearing shall be held within thirty (30) days. At the hearing, the county shall present evidence that the animal is dangerous, including whether the animal caused physical injury or serious physical injury to a human being, whether the animal caused physical injury or serious physical injury to a domesticated animal, whether the animal was provoked or abused in any way, whether the animal has a history of aggressive behavior, and all other such conditions relating to the time, location, nature of the attack, nature of the animal, and any such additional evidence as the court may find relevant.

(1) if the court determines by a preponderance of the evidence that the animal is dangerous and has caused serious physical injury or death to a human being, the court shall order the animal humanely euthanized;

(2) if the court determines by a preponderance of the evidence that the animal is dangerous, but has not caused serious physical injury or death to a human being, the court shall issue orders authorized in this division.

(h) Any judicial determination that an animal is dangerous may be appealed as applicable to appeals to the Circuit Court. The animal shall remain impounded pending the outcome of the appeal and a final disposition of the case.

(i) Upon the Court's finding that the animal is a dangerous animal or that other provisions of this ordinance have been violated by the owner of the animal, the owner of the animal shall be liable for the costs and expenses incurred in impounding, feeding and providing veterinary care or treatment for the animal. All other provisions of this Ordinance notwithstanding, if, after a trial on the merits, the court does not find, by a preponderance of the evidence, the animal to be a dangerous animal, the court may, in its discretion, tax all costs of impoundment, feeding, and providing veterinary care for the animal to the complaining witness, but in no event shall the cost be taxed to the animal's owner unless the Court finds the animal to be a dangerous animal

or other violation of this ordinance.

### **III. Exceptions.**

An animal may not be declared dangerous in any of the following circumstances, if sufficient evidence is presented and proven by a preponderance of the evidence during the court hearing:

(1) When an injury or damage was sustained by a person who at the time of the injury or damage was committing a willful trespass or other tort upon the premises occupied by the owner of the animal with the intent to commit a crime or was committing a crime, or was teasing, tormenting, abusing, or assaulting the animal, or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal;

(2) when the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault; or

(3) when the animal was responding to pain or injury or protecting itself, its kennel, or its offspring while it and the offspring were confined to the property of the owner; or

(4) when a person or domestic animal was disturbing the natural functions of the animal such as sleeping or eating.

(5) growling, hissing, or barking alone shall not constitute grounds upon which to find an animal to be dangerous.

(6) there shall be an exception from this Ordinance for a dog that attacks or kills another animal, domesticated or otherwise, while the animal attacked or killed is on the lands or property owned or controlled by the owner of the dog that is the attacking dog.

### **IV. Animal declared dangerous, but not ordered destroyed.**

(a) If a court determines that an animal is dangerous, but does not order that the animal be destroyed because evidence was insufficient to determine that the animal caused the death or serious physical injury to a human, the owner of the animal shall comply with the following requirements in addition to any other requirement imposed by order of the court:

(1) Within 30 days of the issuance of the order declaring the animal to be dangerous, the owner of the animal shall be

required to register the animal with the animal control department. All certificates of registration required to be obtained under this section shall only be issued to persons 19 years of age or older which represent evidence of the following:

i. copy of a current certificate of rabies vaccination;

ii. copy of a current color photograph of the animal depicting the size, color and any other distinguishing markings;

iii. certification that the animal will be confined to a proper enclosure when the animal is outdoors and unattended;

iv. certification that the animal has been neutered, spayed, or otherwise sterilized unless medically not needed, as determined by a licensed veterinarian;

(2) Cause the animal to be confined to a proper enclosure within 24 hours.

(a) If the owner fails to provide a proper enclosure for the dangerous animal within fourteen (14) days or fails to provide any of the requirements listed under subsection (a) for dangerous animal registration to the court within forty-five (45) days of the issuance of the court's declaration that the animal is dangerous, the animal shall be humanely euthanized.

(b) The owner of the dangerous animal shall pay an annual fee to register the animal pursuant to the provisions of this act. The amount of the dangerous animal registration fee shall be \$100.00.

(c) An animal control officer or law enforcement officer may make whatever inquiry, investigation, or on-site inspection deemed necessary to ensure compliance with this division and any court order issued pursuant to this article.

(d) Prior to a dangerous animal being sold or given away, the owner shall advise the new prospective owner in writing that the animal has been declared to be dangerous by a court and shall provide the animal control department the name, address, and telephone number of the new owner. The new owner, if a resident of Jackson County, shall comply with all the requirements of the act, including submitting of all filings required under subsection (a), and any applicable court orders relating to the animal purchased.

## **V. Walking or exercising an animal declared dangerous.**

No owner of an animal which has been declared to be dangerous shall allow the animal out of its proper enclosure without proper supervision and adequate restraint.

(a) When exercising the animal outside of its proper enclosure, the exercise area must be enclosed by a fence sufficient to prevent the animal from escaping the enclosure by jumping over, going through, or going under the fence.

(b) When walking the animal in any public or open area, the animal must be securely leashed in a manner to afford the owner optimum control over the animal with a leash no longer than four (4) feet in length and muzzled with a device sufficient to prevent the biting of persons or other animals.

(c) No person under the age of nineteen (19) may exercise or walk an animal declared dangerous,

#### **VI. Animal declared dangerous.**

The owner of an animal which has been declared to be dangerous by a court may petition the circuit court to remove the dangerous animal designation 18 months after the judicial declaration was issued. A copy of the petition shall be filed with the circuit court and a copy to the County Commission Chairman, a copy to the Sheriff and a copy to the County Attorney. The court may remove the dangerous animal designation and eliminate any requirements of this act if the owner of the animal has not violated this act or any orders of the court, and if the court is satisfied from the evidence that the animal no longer presents a danger.

#### **VII. An attack by an animal declared dangerous.**

(a) If an animal that has previously been declared by a court to be dangerous, when unprovoked, shall cause serious physical injury or kill a human being, the owner of the animal shall be guilty of a misdemeanor and subject to no less than a \$150.00 fine and imprisonment up to six months, as determined by the court.

(b) If an animal that has not been declared by a court to be dangerous attacks and causes serious physical injury or death to any human being, 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 and subject to no less than a \$150.00 fine and imprisonment up to six months, as determined by the court.

(c) In addition to any fines imposed by the court, a person guilty of violating subsections (a) and (b) of this section

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, as approved by the court, incurred by a victim from an attack by a dangerous animal and other expenses required for the destruction of the animal.

(d) An owner of an animal declared to be dangerous by a court who does not contain the animal in a proper enclosure shall be guilty of a misdemeanor and subject to a \$150.00 fine and imprisonment up to six months, as determined by the court.

(e) An owner of an animal declared to be dangerous by a court who has been adjudicated guilty of subsection (d) of this section and subsequently fails to contain a dangerous animal in a proper enclosure shall be guilty of a misdemeanor and shall forfeit ownership of the animal. If the animal, at the determination of the animal control director, is not suitable for rehabilitation and adoption, the animal shall be humanely euthanized.

(f) Any person who knowingly makes a false report to a law enforcement officer or animal control officer that an animal is dangerous is guilty of a misdemeanor and subject to a fine not to exceed \$150.00 and imprisonment up to 30 days, as determined by the court.

### **Section 3. Unattended Animals on Public Property.**

All animals on public property must be leashed in a manner to afford the owner control over the animal at all times. No animal shall be allowed to be unattended on public property to include public school property, public parks and recreation areas. However, there shall be excepted herefrom, hunting dogs within public recreation areas designated for hunting and while under the supervision and control of, although out of sight of, its owner so long as the owner holds a valid hunting license and permit. Any animal found to be so unattended may be treated in the same manner as an animal without a rabies vaccination tag and subject to the same procedures set out in Section 3-7A-1, et seq., *Code of Alabama*, 1975.

### **Section 4. Rabies Vaccination Tag Display.**

In order to be in compliance with Section 3-7A-4, and Section 3-7A-6, *Code of Alabama* 1975, the vaccination tag to be displayed on the animal's collar shall be at all times clearly visible to the animal control officer or other law enforcement officer. If the vaccination tag is not clearly visible it shall be presumed that the animal has not been vaccinated for rabies and the animal control officer or other law enforcement officer



may proceed to enforce the law based on such presumption.

**Section 5. Enforcement.**

Thereby it is hereby imposed for the violation of this Ordinance a fine in the amount of \$150 for each separate offense. Each day the violation continues shall constitute a separate offense, however, the total fine shall not exceed \$5,000.00. All fines and penalties collected herein shall be paid into the County General Fund and earmarked for the administration of this ordinance.

In addition to the fine established hereinabove, there is also established an administrative fee for the purpose of administering the powers in said ordinance in the amount of \$25.00 per violation. Such administrative fee shall be taxed as part of the court costs to be collected by the Clerk of the Court and disbursed to the County Commission to be paid into the County General Fund.

The fines, penalties and fees established hereunder shall be in addition to all other fines, penalties and fees established by existing state law. Compliance with the terms and provisions of this Ordinance may also be pursued through civil or equitable action to be filed in the Circuit Court of Jackson County, Alabama seeking injunctive relief or other appropriate remedy.

**Section 6. Non-exclusive Application and Severability.**

This Ordinance shall be non-exclusive but shall be interpreted and enforced so as to be in addition to all other federal, state and local laws on the same subject and shall in no manner be interpreted or enforced so as to interfere with or impinge upon the authority of the state health department or county health department, but shall be in addition thereto.

If any portion or provision of this Ordinance is determined to be unlawful or unenforceable, such determination shall not affect the remaining portions of this Ordinance.

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MATTHEW HODGES, CHAIRMAN

ATTESTED BY:

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COUNTY ADMINISTRATOR