

ORDINANCE NO. 1668

AN ORDINANCE AMENDING ORDINANCE NO. 1640, AS AMENDED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA,

AS FOLLOWS:

The following sections of Ordinance No. 1640 are amended as

follows:

SECTION 2: DEFINITIONS

- 5. BITTEN: Seized with teeth or jaws, such that the skin of the person or animal seized has been nipped or gripped or has been wounded or pierced.
- 11. DELETED: (See 21 (a)).
- 21. VICIOUS ANIMAL: Any animal, other than a dog, which has bitten or attacked a person or animal without provocation or cause.
- 21. (a) VICIOUS DOG: There is hereby established five classes of vicious dogs, as follows:

- 1. Any dog trained primarily or in part as an attack or guard dog; or in a vicious or terrorizing manner, or in an apparent attitude of attack, moving vehicles, persons, or animals, upon the streets, sidewalks, public ways or public grounds; or
- 3. Any dog which bites, inflicts injury, assaults or otherwise attacks a person or animal without provocation on the streets, sidewalks, public ways or public grounds; or
- 4. Any dog which bites, inflicts injury, assaults or otherwise attacks a person or animal without provocation on any public or private property and which has, prior to the act herein described, exhibited the behavior defined in class (2) or class (3) above or is also defined as a Class One Vicious Dog; or

5. Any dog trained primarily or in part for the purpose of dog fighting

or any dog kept primarily or in part for such purpose.

SECTION 24A: VICIOUS DOGS.

(a) Declaration of Purpose:

(1) It is hereby declared that vicious dogs have become a serious and

widespread threat to the safety and welfare of citizens of the City,

in that vicious dogs have in recent years assaulted without provocation,

and seriously injured numerous individuals, particularly children, and

have killed numerous dogs. Many of these attacks have occurred in public

places.

(2) The number and severity of these attacks are also attributable to

the failure of owners to register, confine and properly control vicious

dogs.

(3) It is further declared that the necessity for the regulation and

control of vicious dogs is a city wide problem, requiring city wide regulation,

and that existing laws are inadequate to deal with the threat to public

health and safety posed by vicious dogs. Furthermore, existing legislation

is also inadequate to further the declared purpose of ridding the City

of vicious dogs that have caused injury to persons or property.

(4) It is further declared that vicious dogs are a nuisance, as is the

owning, keeping, breeding, selling, harboring or giving away of vicious

dogs.

(5) It is further declared that because of the danger posed to the public

health, safety and welfare by vicious dogs this provision constitutes

an emergency measure providing for the immediate preservation of the

public health, safety and welfare.

(b) Classes of Vicious Dogs: The following classes of vicious dogs are hereby established, to be regulated in accordance with the provisions of this section:

Class one: Any dog trained primarily or in part as an attack or guard dog.

Class Two: Any dog which, when unprovoked, chases, charges, harrasses or molests, in a vicious or terrorizing manner, or in an apparent attitude of attack, moving vehicles, persons, or animals, upon the streets, sidewalks, public ways or public grounds.

Class Three: Any dog which bites, inflicts injury, assaults or otherwise attacks a person or animal without provocation on the streets, sidewalks, public ways or public grounds.

Class Four: Any dog which bites, inflicts injury, assaults or otherwise attacks a person or animal without provocation on any public or private property and which has, prior to the act herein described, exhibited the behavior defined in Class Two or Class Three above or is also defined as Class one Vicious Dog.

Class Five: Any dog trained primarily or in part for the purpose of dog fighting or any dog kept primarily or in part for such purpose.

Regulation Of and Prohibition Against Vicious Dogs:

The owning, keeping, breeding, selling, or giving away by any person of a vicious dog within the City limits or police jurisdiction of the City of Prichard, Alabama, is hereby regulated or prohibited as follows: (1) It shall be unlawful and an offense against the City of Prichard, Alabama, to own, keep, breed, sell, or give away within the City limits or police jurisdiction any dog defined as a Class Five Vicious Dog.

Any person owning, keeping, breeding, selling or giving away any Class Five Vicious Dog shall, within 30 days from the effective date of this ordinance, dispose of the dog by either removing it from the police jurisdiction of the City or delivering it to the Prichard Animal Shelter for humane euthanasia.

Any person convicted of violating this provision shall be fined not less than \$1,000.00 nor more than \$2,500.00 for each dog, and shall be sentenced to imprisonment in the City Jail for not less than 90 days nor more than 12 months for each dog. After conviction, any person continuing to violate this provision, shall be guilty of a separate violation for each day of noncompliance.

Any dog defined as a Class Five Vicious Dog shall be presumed vicious upon proof that the definition applies to the particular dog.

(2) It shall be unlawful and an offense against the City of Prichard, Alabama, to own, keep, breed, sell, or give away within the City limits or police jurisdiction any dog defined as a Class Four Vicious Dog.

Any person owning, keeping, breeding, selling or giving away any Class Four Vicious Dog shall, within 30 days from the effective date of this ordinance, dispose of the dog by either removing it from the police jurisdiction of the City or delivering it to the Prichard Animal Shelter for humane euthanasia.

Any person convicted of violating this provision shall be fined not less than \$500.00 nor more than \$1,000.00 for each dog, and shall be sentenced to imprisonment in the City Jail for not less than 10 days nor more than 3 months for each dog. After conviction, any person continuing to violate this provision, shall be guilty of a separate violation for each day of noncompliance.

Any dog defined as a Class Four Vicious Dog shall be presumed vicious

upon proof that it committed the defined act and, prior to the act, exhibited the defined behavior or is also defined as a Class One Vicious Dog.

It shall be the burden of the person charged to inject the issue of provocation. (3) It shall be unlawful and an offense against the City of Prichard, Alabama, for any person to keep or own any dog defined as vicious by Class One, Class Two and Class Three unless the following requirements are met:

(1) The dog is registered with the Department of Animal Resources as a vicious dog. The fee for registering a vicious dog shall be \$50.00 per year; and

(ii) The dog is kept within an enclosure having a fence of at least 6 feet in height and is clearly marked at all gates and entrance ways by a sign warning of the presence of a vicious dog; and

(iii) The dog is not allowed outside of the enclosure unless muzzled and on a leash and accompanied by the owner; and

(iv) A certificate of paid up liability insurance covering any injuries to persons or property that the dog might inflict in the amount of \$150,000.00 is presented to the Animal Control Officer at the time of the purchase of the permit.

Any person convicted of violating this provision shall be fined not less than \$150.00 nor more than \$250.00 for each dog and may be sentenced to imprisonment in the City Jail for a term not to exceed 90 days, or both. After conviction, any person continuing to violate this provision, shall be guilty of a separate violation for each day of noncompliance. Any dog defined as a Class One Vicious Dog shall be presumed vicious upon proof that it received the specified training.

Any dog defined as a Class Two Vicious Dog shall be presumed vicious

upon proof that it behaved in the described manner, and that the person charged knew or should have known of such behavior. It shall be the

burden of the person charged to inject the issue of provocation.

Any dog defined as a Class Three Vicious Dog shall be presumed vicious

upon proof that the dog committed the act described. It shall be the

burden of the person charged to inject the issue of provocation.

Any provision of this amendment is separable from any other provision

and the declaration by any Court that any provision of this amendment

is unenforceable for any reason shall not effect the enforceability of

the remaining provisions.

All other provisions of Ordinance No. 1640 shall remain in full force

and effect. Any such provisions shall be construed as consistent with

this amendment. Any provisions in conflict with this amendment are hereby

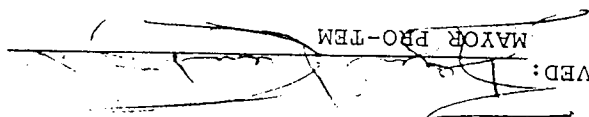
appealed.

This ordinance shall become effective upon its adoption and publication

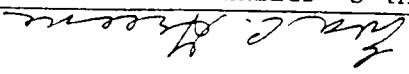
as required by law.

ADOPTED this the 4th day of August, 1987.

APPROVED:

  
MAYOR PRO-TEM

ATTEST:

  
EVA C. GREENE, CITY CLERK-TREASURER

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