BLAZING TRAILS

Sponsored by the Smoke Rise Homeowner's Association
Post Office Box 471
Warrior, Alabama 35180

JULY 2018 ISSUE fb (2): "Smoke Rise Residents and HOA" & "Smoke Rise Neighborhood Watch"
email: smokerise@smokerisehoa.org webpage: smokerisehoa.org

GENERAL MEETING: THURSDAY, July 26, 7:00 PM
Smoke Rise United Methodist Church, Fellowship Hall
corner of Scenic Trail and Grandview Trail
Everyone is welcome!

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YOU DO NOT HAVE TO BE A MEMBER TO ATTEND
OPEN TO ALL SMOKE RISE RESIDENTS

EMILY'S LAW, WHAT DOES IT MEAN TO US?

Emily Mae Colvin, 24, was killed by dogs outside her home in Jackson County in December. Gov. Kay Ivey has signed into law a bill that imposes felony penalties on owners of dogs that seriously injure or kill a person in certain circumstances. DA **Pamela Casey,** Sheriff-elect **Mark Moon** and Animal Control Officer, **Mike Patterson** will be with us at the July 26th meeting to share the effects of this new law on Blount County, how it will be implemented and what recourse citizens and owners have involving threatening dogs.

HOA Meeting Location

ALL meetings and special events of the Smoke Rise HOA will now take place in the Fellowship Hall of the Smoke Rise United Methodist Church.

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Alabama Emily's Law becomes effective June 1, 2018

Emily Mae Colvin, 24, was killed by dogs outside her home in Jackson County in December 2017.

On March 8, 2018, Alabama Governor Kay Ivey signed Emily's Law. This new law, which took effect on June 1, provides a way to humanely euthanize a dangerous dog that has killed or seriously injured someone, provided the dog kills or injures without justification.

The law is named after 24-year-old Emily Colvin, who died in early December 2017 after being attacked by a pack of dogs in the front yard of her Jackson County home.

Dogs that have injured someone, but not seriously, may be returned to their owners, provided certain requirements are met.

Emily's Law sets out the procedure for animal control officers or other law enforcement officers to conduct a dangerous-dog investigation. If the investigation causes the animal control officer or law enforcement officer to conclude that the dog is dangerous, a trial is held before a municipal court or a district court to determine whether the dog is indeed dangerous.

If the court finds the dog has killed or seriously injured someone, the dog will be humanely euthanized. A serious injury is one that causes **a)** a substantial risk of death; **b)** serious and protracted disfigurement; **c)** protracted impairment of health; or **d)** protracted loss or impairment of the function of any bodily organ.

If the courts find the dog has not caused serious injury or death, the court must then determine whether the dog has a propensity to cause future serious physical injury or death. If the court finds that the dog has such a propensity the court then has two options: **a)** humane euthanasia or **b)** returning the dog to its owner, provided a number of requirements are met.

During the trial, the court is to presume that a dog is not dangerous if either of the following is true: **a)** the dog was on the owner's property when the attack occurred; or **b)** the person attacked was trespassing on any property where the attack occurred.

Here are some of the requirements if the dangerous dog is returned to its owner: **a)** the dog must be spayed or neutered; **b)** the dog must be microchipped; **c)** the dog must be kept in a locked pen that not only has four sides, but a top and a concrete bottom, or fencing that extends at least 2 feet into the ground; **d)** the owner must pay an annual $100 dangerous-dog registration fee; **e)** the owner must secure a $100,000 surety bond that provides coverage for dog bites, injuries, or death caused by the dog.

The new law also defines several new crimes related to owning a dangerous dog. **Class B felony – a)** the dog has been previously declared dangerous; **b)** the dog attacks a person without justification; **c)** the dog seriously injures or kills the person attacked. **Class C felony – a)** the dog has been previously declared dangerous; **b)** the dog attacks a person without justification; **c)** the dog seriously injures or kills the person attacked; **d)** the owner knows the dangerous propensities of the dog and recklessly disregards those propensities. **Class A misdemeanor – a)** the dog has been previously declared dangerous; **b)** the dog attacks

a person without justification; **c)** the dog injures (but not seriously) the person attacked. **Class B misdemeanor** – **a)** the dog has been previously declared dangerous; **b)** the dog attacks a person without justification; **c)** the dog injures (but not seriously) the person attacked; **d)** the owner knows the dangerous propensities of the dog and recklessly disregards those propensities.

It's a **Class A misdemeanor** if the owner of a dangerous dog fails to restrain a dangerous dog with a secure collar and leash. But if the owner is found guilty of that same crime a second time, it's a **Class B misdemeanor.**

It's a **Class C misdemeanor** if the owner refuses to surrender a dog to an animal control officer or law enforcement officer when the dog is subject to a dangerous-dog investigation.

It's a **Class C misdemeanor** to knowingly make a false report that a dog is dangerous.

Punishments for various crimes included: **Class B felony** – prison sentence of not more than 20 years or less than 2 years and fine of not more than $30,000; **Class C felony** – prison sentence of not more than 10 years or less than 1 year and fine of not more than $15,000; **Class A misdemeanor** – jail sentence of not more than 1 year, fine of not more than $6,000; **Class B misdemeanor** – jail sentence of not more than 6 months, fine of not more than $3,000; **Class C misdemeanor** – jail sentence of not more than 3 months, fine of not more than $500.

*******Information for this article was obtained from Lanier Ford, a full-service law firm in Huntsville, Alabama**********

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Do you smell the Dog Food Plant?

The Smoke Rise Homeowner's Assn. has gotten many complaints about the obnoxious smell generated by the American Proteins Plant (the "Dog Food Plant") in Hanceville. The severity of the smell varies widely with location, timing and the weather, but some residents complain that the smell is so severe they cannot enjoy staying outside and that the smell is diminishing their property value.

Last February, representatives from the Smoke Rise HOA, on behalf of the communities of Smoke Rise, Mountain Woods Lake, Blount Springs, Rock Springs and others, met with the manager of the Dog Food Plant to complain about the obnoxious smell generated by their plant. The plant operations personnel claim that the plant is being operated according to the regulations issued by the State Department of Environmental Management, but they have been willing to investigate these complaints. The plant asked the HOA to report obnoxious smells to them so they could correlate the timing and severity of the smells with the operation of the plant.

After the February meeting, the smells seemed to diminish. But recently, the frequency and severity of the smells from the plant have increased significantly. The HOA has been documenting occurrences of the obnoxious smells since our original complaint. But last month, because of the recent increase in obnoxious smells, the HOA asked residents of Smoke Rise to register their complaints directly with the plant. For several of these complaints, the plant sent representatives to the caller's location to verify and record the smells.

We need to increase the area of this survey and documentation beyond Smoke Rise. If you smell the dog food odor please contact the plant directly and report it, then report it on the HOA Facebook page so it may be recorded. The smell is usually described as a "wet dog food" smell. The person to call is Mr. Jason Spann, 256-352-9821 ext. 2117. Leave your name and address, and the severity of the smell (light/moderate/severe). If you call after hours and no one answers, leave a message with that information and the time and date that you notice the smell.

Members of the HOA are working with the management of American Proteins to come up with a solution to this problem. The HOA is not trying to stop the operation of the plant, close it down or cause any workers to lose their jobs. This process is to help the plant managers correct any problems or conditions that are not allowing for the proper control of the emissions from the plant. Your cooperation is greatly appreciated in correcting this situation.

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West Blount Fire District News

Annual dues for all residents, businesses and churches for the West Blount Fire & EMS District are $150 per year. They are due January 1st of each year with a grace period until March 31st. If dues are not paid by that date, or a benevolent exemption has not been granted, a $15 flat late fee for the year will be applied to the account. Office hours are 10:00 AM to 2:00 PM Monday through Friday. Office managers are Diane Cox and Lisa Morgan. They can be reached at 647-4566 to answer any questions.

Benevolent requests can be handled in person at the station. Each request is handled on an individual basis and must be applied for on a yearly basis. Proof of income must be provided.

All meetings of the Fire Board of Trustees are open to the public. The next meeting will be Thursday, August 16th, at 7:00 PM, at Hayden Town Hall.

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West Blount Chamber of Commerce News

At a recent meeting of the West Blount Chamber of Commerce the newly elected Board of Directors was introduced consisting of: Larry Armstrong, Mayor of Hayden, John Briscoe, Pastor of Smoke Rise UMC, Tom Holmes, Holmes Healthcare, Keith Hudson, Pastor of Hayden First Baptist, Sue Mulroy, and Philip Niblett, Phil's Grill. The officers for 2018-2019 are: Chair, Ben Norris, All State Insurance; Vice-Chair, Jennifer Metcalf, Hayden / Shipp's Pharmacies; Treasurer, Carroll Sparks; and Secretary, Dolores Fort.

Membership in the Chamber is open to all businesses, churches, organizations and individuals. Applications are available on the Chamber's facebook page, or from any of the officers. Meetings are held 6 times a year at the Hayden Community Center on the 3rd Thursday of January, March, May, July, September and November, and are open to everyone.

The program for the September 20 meeting will be on the Blount County Educational Foundation. Director Mitchie Neil, Board of Education Superintendent Rodney Green and District One Board of Education Member Ken Benton will be the featured guests. The meeting will be sponsored by Hadi Sultan, owner of Hadi' Grill located in the old Stuckey's at Exit 289, I-65. Everyone is welcome.

YOUR HOMEOWNERS ASSOCIATION

Smoke Rise Homeowners Association, formed in 1995 for the purpose of providing a voice from our community for local and county issues, has accomplished over those years new street signs, entrance signs with landscaping, a flag pole at the entrance on White Oak Trail, paving of streets, monetary assistance to our schools, direct liaison to the Sheriff's office and Neighborhood Watch Patrol.

Current Board members are:

Sector One - Sylvia Brown, Historian and Dolores Fort, Secretary
Sector Two - Anita Harper, President and Rob Stump
Sector Three - Joseph Rooker and Tammy Hanson
Sector Four - Joan Lineberry and Tera Lee
Sector Five – Robert Rice and Denise Johnston
Sector Six - Elizabeth Jawahreh and Edna Caudle
Sector Ten – Cathy Conner
Sector Eleven – David Rowe

Directors are still needed for **Sectors 7, 9, 12,** and **Scenic Woods** and a second one for **Sectors 10** and **11**. These sectors are either under represented or have no representation on the Board. It is hoped that residents of these sectors will consider being a part of moving our community forward by serving on the Board of Directors.

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HOA STANDING COMMITTEES

The functions and members of the Standing Committees are listed below

Architectural Control Committee: David Hunter, Chair, Dick Brown and Alan Grostick. Anyone desiring to build or add on to their property is to submit to this committee plans for approval of meeting the requirements in the Covenants. This committee also has the right of granting waivers, on an individual basis, for minor violations of the Covenants. Requests for these waivers must be made in writing.

Blount County Liaison: Roger Hurt, current liaison attends one meeting a month of the County Commission, usually the work session on the Thursday before the Monday regular meeting. He represents the HOA at these meetings and reports back to the Board any items that are of interest to, or directly affect Smoke Rise. He is accompanied by Dolores Fort, and others who would like to attend the meetings are welcome. They start at 9:00 AM in the Blount County Courthouse.

Neighborhood Watch: Current chair, Christy Harris, and her team, **Sector 1**, Jay Baker and Doug Frye, **Sector 2**, Robert Stump and David Hunter, **Sector 3**, Roy Adams and Woody Franks, **Sector 4**, Kim Jarman, and **Sector 6**, Elizabeth Jawahreh, have established a database of residents, vehicles, contact information and distribution of red "S" stickers for identity purposes of belonging to Smoke Rise.

Volunteers are still needed for **Sector 4** and **6**, one each, and two each for **Sectors 5, 7, 9, 10, 11, 12** and **Scenic Woods**.

The **NW Patrol** consists of volunteers who drive through Smoke Rise on a regular basis, especially when an incident has been reported. These dedicated individuals give of their time, their resources and use of their vehicles to make sure our community is safe. Christy Harris is in close contact with the Sheriff's Department.

HAYDEN DAY

The 6th Annual Hayden Day is scheduled for Saturday, October 6, 2018 from 9am until 2pm. The Town of Hayden appreciates the support of the community for this fun-filled day where citizens of western Blount County come together in a great family friendly atmosphere.

Vendors of all types participated last year including arts/crafts vendors, food vendors, local businesses, churches, civic groups, etc. Everyone is invited to participate this year as well.

Vendor registration forms for Hayden Day 2018 are now available on the town's website www.townofhayden.com under the "Documents" tab or at the Hayden Town Hall. Forms and payments may be returned in person to the Hayden Town Hall located at 5030 State Hwy 160 between the hours of 8am and 3pm Monday through Friday or you can leave forms and payments in the drop box located in front of the Town Hall. Forms and payments may also be mailed to Hayden Day 2018, P O Box 493, Hayden, AL 35079.

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What good is Smoke Rise Homeowners Association?

Here's a short list of some of the many benefits that this Association offers.

1. We serve the community by actively communicating the needs of SR, such as the condition of roads and areas in need of repair. We can speak with a unified voice when talking to county officials or other political leaders.

2. SR is protected by restrictive covenants. We strive to protect those covenants and keep them viable.

3. We strive to serve the SR community by bringing programs of interest to our general meetings. We also try to provide a forum for issues affecting SR to keep our members informed.

4. We serve the community by providing improvements to the area, such as decorative entrances, flag poles, street signs, fire hydrant markers and other public safety features.

5. We are not a police force for the covenants of SR, but we can disseminate information regarding the covenants and act as a moderator of disputes. We will investigate reported violations and if, necessary, advise those in violation of the covenants.

6. The Architectural Control Committee is operated by the SRHOA and reviews proposed real estate development in SR to verify it is in compliance with the covenants covering our community. The ACC is authorized to approve or disapprove construction within SR.

7. The Neighborhood Watch Committee has laid the ground work for a more secure community through one-on-one contact and a direct contact with the Blount County Sheriff's office.