

**ORDINANCE #2023-02**

**WHEREAS**, a number of dogs and cats have often been seen running at large in the Town of Lynn, Alabama, and

**WHEREAS**, such conditions are a menace to the safety and well-being of the citizens of the Town of Lynn, Alabama, and

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Lynn, Alabama, as follows:

**SECTION 1. DEFINITIONS.**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL CONTROL OFFICER.** The person contracted with by the Town Council as an independent contractor or the Lynn Police Officers or such other town employees appointed to perform one or more of the duties in this Ordinance or those duties found in the Code of Alabama, which relate in any way to animal control.

**STRAY DOG.** A homeless or a dog which, being in a place which does not form part of premises occupied by its owner or by any other person having care of it, is not under the direct supervision of its owner or another person having care of it.

**OWNED DOG.** Owned dogs are "family" dogs. They have an identifiable owner, are commonly socialized, and are not allowed to roam. They are restricted to particular outdoor or indoor areas.

**AT LARGE.** When a dog is off the property of the person owning, harboring, or keeping a dog and it is not under restraint.

**CITATION.** A notice or complaint issue by the Animal Control Officer to the owner of any animal apprising the owner of one or more violations of this Ordinance.

**DANGEROUS DOG.** A dog, regardless of its breed, that has bitten, attacked, or caused physical injury, serious physical injury, or death to a person without justification, except a dog that is a police animal as defined by Section 13A-11-260, Code of Alabama 1975, used by law enforcement officials for legitimate law enforcement purposes. Section 3-6A-3, Code of Alabama 1975.

**DOG KENNEL.** Any place, building, tract of land, boat, or vehicle wherein or whereupon dogs are kept, congregated, or confined, the dogs having been obtained from municipalities, dog

pounds, dog auction, or by advertising for unwanted dogs, or dogs abandoned or stolen.

**OWNER.** Any person owning, keeping, harboring, or acting as custodian of a dog or other domesticated animal.

**PERSON.** Any individual, firm, partnership, or corporation.

**PREMISES.** Any building, structure, shelter, or land whereon dogs or other animals are kept or confined.

**PUBLIC NUISANCE ANIMAL OR ANIMALS.** Any animal or animals which:

- (1) If dog or dogs is/are repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Is/are vicious animal(s) or is a "Dangerous Dog" as defined by Section 3-6A-3, Code of Alabama 1975;
- (4) Causes fouling of the air by odor;
- (5) Causes unsanitary conditions of enclosures or surroundings;
- (6) By virtue of number of types of animals maintained are offensive or dangerous to the public health, safety, or welfare;
- (7) Excessively makes disturbing noises;
- (8) Molests passer(s)by or passing vehicles; or
- (9) Attacks other domestic animals.

**UNDER RESTRAINT.** On the premises of the person harboring or keeping the dog; within a private motor vehicle of a person owning, harboring, or keeping the dog; or controlled by a leash not exceeding six feet in length.

**VETERINARY HOSPITAL.** Place for the treatment, hospitalization, surgery, care, and boarding of animals or birds, which place is owned and operated by a licensed veterinarian.

**VICIOUS ANIMAL OR ANIMALS.** Any animal or animals which constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury, however slight.

## **SECTION 2. PROHIBITION.**

That the running at large of dogs and cats in the town limits of the Town of Lynn, Alabama, is hereby prohibited.

## **SECTION 3. RUNNING AT LARGE.**

That a dog or cat shall be termed and considered "running at large" as set forth in the preceding section hereof when found on the streets or highways of the town not under leash or when found on the property not owned or controlled by the owner of such dog or cat or the person having the charge or control of such dog or cat.

#### **SECTION 4. REPORTING.**

Anyone having a complaint about dogs or cats running at large or being a public menace shall come to Town hall and file a complaint in writing reporting the same.

#### **SECTION 5. DISPOSITION OF AT LARGE ANIMAL UPON IMPOUNDMENT.**

The Animal Control Officer may seize or impound any dog found astray on public property or claimed to be astray by the owner of the premises upon which the animal may be found, provided that the owner of the premises demands the seizure or impoundment and agrees in writing to indemnify and hold harmless the Town from any claim for damages by the owner of the dog.

Disposition of the impounded stray shall thereafter be pursuant to the provisions as found in this Section.

A dog or cat found running at large may be caught and impounded and after expiration of 72 hours following such impoundage of such dog or cat shall be humanely euthanized by a licensed veterinarian or an authorized animal control official. If the dog or cat is "Owned" and has a collar which carries a tag that identifies the owner and their address, shall be carried to the owner's address and the owner shall be cited.

#### **SECTION 6. OWNERS DUTY.**

That it shall be unlawful for the owner or person having charge or control of any dog or cat to knowingly permit or negligently allow such dog or cat to run at large in the Town of Lynn, Alabama, and in case such dog or cat shall escape from confinement or from any leash constraint the owner or person having charge or control of such dog or cat shall immediately recapture and re-confine or tie up such dog or cat.

**SECTION 7. NOTICE.**

No notice of the impoundage of any dog or cat or disposition of such animal shall be required to be given to any owner of any dog or cat or to the person having control thereof unless such dog or cat bears an identification tag.

**SECTION 8. RABIES INOCULATION.**

All dogs and cats within the town limits shall be inoculated against rabies as provided in Section 3-7A-1 thru Section 3-7A-15, Code of Alabama 1975, and all dogs and cats within the Town of Lynn, Alabama, shall wear collars with an inoculation tag attached.

**SECTION 9. MAYOR AUTHORIZED.**

The Mayor of the Town of Lynn, Alabama is hereby authorized to enter into a contract with any person he or she deems qualified to handle the control of dogs and cats in the Town of Lynn, Alabama, as he or she deems necessary, and also to contract with any person capable of providing the boarding and services required for the humane euthanizing of the said dogs or cats.

The Mayor is further authorized to designate such Police Officers or employees as he or she deems appropriate to enforce the various provisions of this Ordinance.

**SECTION 10. CONFLICT OF LAWS.**

All provisions and penalties herein are as authorized in Title 3 of the Code of Alabama 1975 and no conflict is intended herein with said statues of the State of Alabama.

**SECTION 11. ENFORCEMENT OF EMILY'S LAW.**

The town is obligated to enforce Emily's Law which provides protection of the citizens from Dangerous Dogs as defined in the Act as found in Section 3-6A-1 thru Section 3-6A-8, Code of Alabama 1975.

**SECTION 12. VIOLATION.**

That any person, firm or corporation violating any of the terms of this ordinance or doing any act prohibited herein shall be deemed guilty of a misdemeanor and up on conviction thereof, shall be fined not less than \$25.00 nor more than \$50.00 for each

such incident unless the crime or punishment is otherwise designated by the Code of Alabama.

**SECTION 13. ENFORCEMENT.**

The provisions of this Ordinance shall be enforced by the Animal Control Officer and those Police Officers and Town Employees designated by the Mayor. The Animal Control Officer and Lynn Police Department may issue citations for violations of this Ordinance.

**SECTION 14. RIGHT OF ENTRY.**

The Animal Control Officer and the Police department shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed by this Ordinance where there is a reasonable belief that a violation of this Ordinance has been committed.

**SECTION 15. WILD OR VICIOUS ANIMALS PROHIBITED.**

No person shall keep or allow to be kept in any place in the Town an animal of a ferocious or vicious character, habit, or disposition, or any animal which is wild by nature.

**SECTION 16. ANIMAL CONTROL OFFICER.**

The Mayor may authorize, at the times as he or she may deem necessary, persons designated under Animal Control Officer to purchase equipment for the purpose of capturing and conveying to an animal pound all animals in violation of this code.

**SECTION 17. INTERFERING WITH ANIMAL CONTROL OFFICER.**

No person shall in any manner molest, hinder, or interfere with the Animal Control Officer or designee employed directly or by contract with the Town to capture animals and convey them to the animal pound while the person is engaged in the occupation. Whoever violates this section shall be guilty of a misdemeanor.

**SECTION 18. CONFINEMENT OF ANIMALS WITH HISTORY OF BITING.**

Every fierce, dangerous, or vicious animal, including dogs, that has a history of biting a human or any domestic animal, shall be confined by the owner within a building or secure, covered enclosure. The animal shall not be taken out of the building or secure, covered enclosure unless muzzled and on a leash.

The owner shall, in addition to this provision, comply with any and all requirements under Emily's Law.

**SECTION 19. ABANDONMENT OF ANIMALS.**

It shall be unlawful to abandon any dog or other animal within this town.

**SECTION 20. DISPOSITION OF CERTAIN DISEASED OR DANGEROUS DOGS OR OTHER ANIMALS.**

Any dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the town dog pound or other appropriate place designated for the purpose by the Town Council from time to time at the expense of the owner until found to be free from rabies.

If any dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be taken up and impounded without serious risk, the dog or other animal may be killed if reasonably necessary for the safety of any person or persons.

When any dog or other animal has bitten any person wherein the skin has been punctured or the services of a doctor are required, a report of the incident shall be made to the Lynn Police Department and Animal Control Officer by the owner or custodian of the biting dog or animal or the person bitten, or his or her parent or guardian, within 24 hours of the bite.

**SECTION 21. REDEMPTION OF DOGS AND OTHER ANIMALS.**

The town, upon the impounding of any dog or other animal, may condition redemption of the dog from impounding upon payment of the required impounding fee as duly set by the Town Council from time to time, plus the cost of boarding for each day of said dog or other animal that has been confined in the pound.

**SECTION 22. POSSESSION OF NUISANCE ANIMALS.**

No person shall keep, own, harbor, or otherwise possess within the town an animal which is a public nuisance animal.

**SECTION 23. DOGS DISTURBING THE PEACE; ENFORCEMENT.**

It shall be unlawful for any person to own, keep, have in possession, or harbor any canine which howls, yelps, or barks to the reasonable annoyance of another person or persons. Any person violating this section who, upon first requested by an Animal

Control Officer or any duly authorized Police Officer or Employee to stop or prevent the annoyance and refuses to comply with the request, will be issued a citation and, if the officer deems it necessary to stop the annoyance, may have the canine taken to the animal pound. Any canine placed in the pound may be reclaimed by the owner upon payment of the fee prescribed. If not reclaimed, it may be disposed of in the proper manner.

**SECTION 24. DANGEROUS OR POTENTIALLY DANGEROUS DOGS.**

**Adoption by reference of state law and county ordinance.** The provisions of Title 3 of the Code of Alabama 1975, as it may be amended from time to time, and any County ordinance or regulation covering the same matters, as they may be amended from time to time, are hereby adopted by reference as fully as if set out herein, and shall be administered and enforced by the town's Animal Control Officer, the Lynn Police Department and Winston County Sheriff's Office and designated pursuant to that law and ordinance.

**Conflict of laws.** When any provisions of this Ordinance, county ordinance, or state laws applicable to dangerous or potentially dangerous dogs are in conflict, the provisions that impose the greater restrictions or protections shall apply.

**SECTION 25. REPLACEMENT OF PRIOR ORDINANCE**

This Ordinance repeals and replaces Ordinance 95-04 upon its passage.

**SECTION 26. EFFECTIVE DATE**

This ordinance shall become effective immediately upon its adoption and publication as required by law.

Approved and adopted this \_\_\_ day of \_\_\_\_\_, 2023

**ATTEST:**

\_\_\_\_\_  
Marcia Manasco  
Town Clerk

\_\_\_\_\_  
Earl Gilbert  
Mayor

I, Marcia Manasco, the undersigned Town Clerk of the Town of Lynn, Alabama, hereby certify that the foregoing constitutes a true, correct, and complete resolution duly adopted by the Town Council of the Town of Lynn, Alabama, at a meeting thereof held on this \_\_\_ day of \_\_\_\_\_, 2023 at which meeting a quorum was present and acting throughout.

Witness my signature as Town Clerk, under the Seal of said Town, this \_\_\_ day of \_\_\_\_\_, 2023.

---

Marcia Manasco  
Town Clerk