

NOW THEREFORE

NOW THEREFORE, BE HEREBY ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF LANETT, ALABAMA, AS FOLLOWS:

Section 1. Section 6-8 of the Code of Ordinances of the City of Lanett, Alabama is hereby deleted in its entirety and a new Section

6-8 shall be substituted in lieu thereof which shall read in words as follows:

Sec. 6-8. Regulations regarding vicious dogs.

(a) Definitions.

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked or to cause injury to or otherwise threaten the safety of human beings or domestic animals;
- (2) Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- (3) any dog which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal;
- (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting ;or

(b) Vicious dogs.

(1) Vicious Dogs Prohibited. It shall be unlawful for any person, firm, or entity to own, keep , harbor, breed, raise, or maintain a vicious dog within the municipal limits of the City of Lanett or its police jurisdiction. This prohibition shall not apply to licensed veterinarians lawfully operating a veterinary clinic or lawfully practicing veterinary medicine within the City o its police jurisdiction. Any duly licensed and practicing veterinarian who treats or harbors a vicious dog must proved proof tot he city clerk of public liability insurance in the amount of at least \$100,000.00 insuring said veterinarian for any personal injuries inflicted by such vicious dog.

(2) Certain Breeds Prohibited. It shall be unlawful for any person to keep, harbor, own, or in any way possess within the corporate city limits of the city:

Any pit bull dog or presa canario dog; provided , that pt bull dogs or presa canarios owned within the city on the effective date of this Ordinance may be kept within the city subject to the standards and requirements set forth in this section (c).

For purposes of this Ordinance, "pit bull dog" is defined to mean; the bull terrier breed of dog;' the staffordshire bull terrier breed of dog;' the American put bull terrier breed of dog; the American Staffordshire terrier breed of dog; any dog which has the appearance and characteristics of being predominantly of these breeds bull terrier, Staffordshire bull terrier, Ameican put bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls , pit bull dogs or pit bull terrier; or a combination of any of those breeds, according to the standards established by the Amercian Kennel Club or the United Kennel Club. The AKC and UKC stands for the above breeds shall be kept on file and available for public inspection and copying in the offices of the City Clerk.

For purposes of this ordinance, "presa canario dog" is defined to mean any dog wihec has the appearance and characteristic predominantly of the breed of presa canario.

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the provision of of subsection (c) of the Ordinance are not applicable to owners, keepers or harboreres of pit bull dogs or presa canario dogs owned, kept or harbored within the City on the effective date of this Ordinance and which are registered with the City within thirty (30) days of the effective date of this ordinance as required in Section (d), below. The keeping of such dogs, however, shall be subject to the following standards and requirements:

(1) Leash and muzzle. No person shall permit a registered pit bull dog or presa canario dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog, presa canario dog to be kept on a chain, rope or other type of leash outside its keel or pen unless person is in physical control of the leash. Such dogs many not be leashed to inanimate objects such as trees, posts, buildings, etc. In additions, all pit bull dogs and presa canario dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement. All registered pit bull dogs and presa canario dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs and presa canario dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs and presa canario dogs must comply with all zoning and buildings regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement indoors. No pit bull dog or presa canario dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on it own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) Signs. All owners, keepers, or harborers of registered pit bull dogs or presa canario dogs within th ecity shall within ten (10) days of the registration of such animal display in a prominent place on their premises a sign easily readable by the public using the works "Beware of dog." In addition, a similar sign is required to be posted in or on the kennel or pen of such animal.

(5) Insurance. All owners, keepers, or harborers of registered pit bull dog and presa canario dogs must within ten (10) days of the registration of such animal provide proof to the city clerk of public liability insurance in the amount of one hundred thousand dollars (100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will by made unless ten (30) days written notice is first given to the city clerk.

(6) Identification photographs. All owners, keepers, or harborers of registered pit bull dog and presa canario dogs must within ten (10) days of the registration of such animal provide to the city clerk two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Reporting requirements. All owners, keepers, or harborers of registered pit bull dog and presa canario dogs shall notify the city clerk within five (5) days in the event that the pit bull dog or presa canario dog is lost,

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stolen, dies, or has a litter. All owners, keepers, or harborers of registered pit bull dog and presa canario dogs shall notify the city clerk within ten (10) days of change of address if the said owner, keeper or harborer should move with the corporate limits of the City.

(8) Sale of transfer of ownership prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog or presa canario dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog or presa canario dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

(9) Animals born of registered dogs. In the event that a registered pit bull dog or presa canario dog has a litter, all offspring born of such pit bull dogs or presa canario dogs must be permanently removed from the city within six (6) weeks of birth or such animal or delivered to the local animal shelter for destruction. Any pit bull dog or presa canario dog puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal.

(10) Irrebuttable. presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog, presa canario dog, or any of those breeds prohibited by subsection

(b) of the section is in fact a dog subject to the requirements of this section.

(d) Registration of Pit Bull/Presa Canario Dogs. Every pit bull dog (vs defined above) or presa canario dog owned, kept or harbored within the City upon the effective date of this ordinance shall, within thirty (3) days of the effective date of this ordinance be registered with the City. Such registration shall provide the name and address of the person owning, keeping or harboring such animal, the name of the animal, a description of the animal, and any and all other information deemed appropriate by the Chief of Police of the City. Upon registration of such animal with the City, the owner, keeper, or harborer of such animal shall be subject to all of the requirements of Section (c) of this ordinance. Any pit bull dog or presa canario dog found within the city after thirty (30) days of the effective date of this ordinance and which has not been registered with the City as required by this Section (d) shall be impounded and disposed of in a humane manner and the owner, keeper, or harborer of such animal shall be subject to the fines and/or penalties set forth herein.

(c) Exceptions. The prohibitions and requirements of this Ordinance shall not apply to:

(1) Any licensed animal shelter which is authorized to temporarily harbor and transport any pit bull for purposes of enforcing the provision of this Ordinance.

(2) Any humane society operating an animal shelter which is registered and licensed by the City, which may temporarily hold any pit bull that received or otherwise recovered.

(3) Any person temporarily transporting into the City a pit bull for the sole purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organizations. Any person who transports a pit bull into the City for such showing shall, at all time when the pit bull is being transported with the City or to and from the place of showing, keep the pit bull securely leashed and muzzled as required by subsection (c) of the Ordinance.

(4) Any person transporting a pit bull dog through the City while engaged in interstate travel through or beginning to termination in, the City, Provided, however, that any such person who transports a pit bull dog through the City while engaged in interstate travel shall at all times while the said dog is within the limits of the city secure the said dog as required by subsection (c) of this Ordinance.

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(5) Any licensed veterinarian who keeps, or harbors any pit bull dog or presa canario dog for the purposes of treatment.

Section 2. There shall be added to the Code of Ordinances of the City of Lanett a new Section 6-13 which shall read in words as follows;

"Sec. 6-13. Penalty for violation.

It shall be unlawful for any person to violate either willfully or negligently the provisions of this Chapter or fail to comply with same. A violation of or failure to comply with any of the provisions of this Chapter shall be and hereby is declared to be a misdemeanor. Upon conviction, any person in violation of or failure to comply with any of the provisions of this Chapter shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars or by imprisonment of not more than thirty (30) days or both for each violation. Each day a violation occurs or continues shall constitute a separate violation hereunder."

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinances shall become effective upon its due publication as required by law.

ADOPTED this 21st day of February, 2005