

STATE OF ALABAMA
CITY OF WINFIELD

1 of 10
Inst Num: 198786
Vol: OFFR B: 2025 P: 13913
10/21/2025 12:23:45 PM
Marion County, AL
Paige Nichols Vick
Judge of Probate
Recording Fee: \$30.00
Taxes: \$0.00
Total: \$30.00

ORDINANCE NO. 988

**AN ORDINANCE RELATING TO DOGS OR ANY ANIMALS RUNNING AT LARGE, PROHIBITING ALL PERSONS HAVING CHARGE OF ANY VICIOUS DOG, PROHIBITING CRUEL TREATMENT OF ANY ANIMAL, PROHIBITING ALL PERSONS THAT ALLOW LOUD, FREQUENT OR CONTINUED BARKING OF SUCH DOG AS TO ANNOY OR DISTURB ANY NEIGHBOR, AND ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ORDINANCE WITHIN THE CITY LIMITS AND POLICE JURISDICTION OF WINFIELD
AMENDING ORDINANCE NO. 958**

WHEREAS, the City of Winfield (hereinafter referred to as the "City") is empowered to enact ordinances to protect and to promote the general health and welfare of its citizens and is specifically empowered to regulate and prevent the running at large of dogs or other animals, to provide for the safe and proper confinement of vicious dogs and to regulate and prevent cruelty and inhumane treatment to dogs and cats; the City does hereby ascertain and declare the following ordinance is necessary and proper to preserve the health, promote the prosperity and improve order, comfort and convenience of the inhabitants of the municipality; and,

WHEREAS, the governing body of the City of Winfield does hereby find and declare that allowing dogs to run at large and not be confined to the premises of the person having charge over such dog and or the premises on which such dog or dogs are regularly kept; and not be securely confined indoors or in a securely enclosed and locked pen or structure; provided such person owning or having charge over any dog or dogs shall, at all times, keep control over such dog or dogs through the use of a leash or harness or through other means sufficient, and that allowing cruel and harsh treatment to dogs and cats is a concern to the citizens of Winfield and, due to the growth and development of the city, has become a nuisance and it is the desire of the governing body of the City to enact an ordinance to address and attempt to alleviate this concern; and,

WHEREAS, requiring that every person owning or having charge of any dog or dogs to, at all times, confine such dog or dogs to the limits of his/her own premises or the premises on which such dog or dogs is or are regularly kept; that requiring every person owning or having charge of a vicious dog to properly confine said dog and that regulating cruelty to dogs and cats is not an undue burden or hardship and will promote order and protect the general health and welfare of the citizens of Winfield.

WHEREAS, that allowing or permitting an animal to bark, whine, howl, or intermittently make emit sounds, or noises of such volume to unreasonably interfere with or disturb the peace, quiet, and comfort within the neighborhood has been declared to be a public nuisance and therefore unlawful.

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF WINFIELD, ALABAMA, that Ordinance No. 958 shall be amended as follows:

ARTICLE I. - IN GENERAL

State Statutes on Dog Control, Code of Alabama 1975, § 3-6A-3

SECTION 1: Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means and includes female, spayed female, male, neutered male animals, including, but not limited to, dogs (all members of the canine family, including dog hybrids) goats, horses, mules, cattle, swine, mules, cats, livestock, fowl or other mammals, fish birds, or reptiles.

- a) "At large" means an animal off the premises of the owner and not under the control of the owner or his agent either by leash, cord, chain or otherwise.
- b) "Cruel" and "cruelty" mean every act, omission, or neglect, including abandonment, where unnecessary or unjustifiable pain or suffering, including abandonment is caused, or where unnecessary pain or suffering is allowed to continue.
- c) "Dog" and "cat" mean any domesticated member of the dog or cat family.
- d) "Enclosure" means pens, barns, sheds, lots, acreage, enclosures, or other places where animals, livestock, or fowl are kept within the city limits.
- e) "Livestock" means pigs, hogs, bulls, cows, calves, horses, mules, sheep, ox, goats, or animals of like kinds.
- f) "Fowl" means chicken, geese, turkeys, ducks, guineas, peacocks.
- g) "Owner" means any person owning or having care or custody of an animal.
- h) "Premises" means any building where one or more people work, sleep, eat, or reside, all or any portion of the day.
- i) "Vicious dog" means:
 - 1) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
 - 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 ordinance; or

- 3) Any dog that, without provocation, attacks, or bites, or has attacked or bitten, a human being or domestic animal; or
- 4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

ARTICLE II. PROHIBITING ALL PERSONS HAVING CHARGE OF ANY "VICIOUS" DOG FROM ALLOWING OR PERMITTING SAID DOG TO RUN AT LARGE AND REQUIRING ALL SUCH DOGS TO BE CONFINED IN A SECURE MANNER AND ESTABLISHING THE PENALTY OF VIOLATIONS OF THIS ARTICLE.

State Statutes on Dog Control, Code of Alabama 1975, Emily's Law §3-6A-1, § 3-1-3, § 3-1-5, § 3-1-6, § 11-47-110, § 11-47-110.

SECTION 1. *Confinement.* If the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lit and kept in a clean and sanitary condition.

SECTION 2: *Leash and Muzzle.* The owner of a vicious dog shall not permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

SECTION 3: *Posting of Warning Signs.* The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

ARTICLE III. PROHIBITING ALL PERSONS HAVING CHARGE OF ANY DOG FROM ALLOWING OR PERMITTING TO RUN AT LARGE AND REQUIRING ALL SUCH DOGS TO THE LIMITS OF SUCH PERSON'S OWN PREMISES OR THE PREMISES ON WHICH ARE REGULARLY KEPT AND ESTABLISHING PENALTY OF VIOLATIONS OF THIS ARTICLE.

State Statutes on Dog Control, Code of Alabama 1975, Emily's Law §3-6A-1, § 11-47-110, § 11-47-110.1, § 3-1-5, § 3-1-6

SECTION 1: Every person owning or having in charge of any dog or dogs shall always confine such dog or dogs to the limits of his own premises or the premises on which they are regularly kept. Nothing in this section shall prevent the owner of any dog or dogs or other person having in his or their charge from allowing such dog or dogs to accompany such owner or other person elsewhere than on the premises on which such dog or dogs is or are regularly kept, provided such person owning or having charge over any dog or dogs shall, at all times, keep control over

such dog or dogs through the use of a leash or harness or through other means sufficient to keep the dog or dogs within the premises of the person or persons owning or having charge over such dog or dogs.

SECTION 2: Nothing in this section shall be construed to limit or affect, in any manner, the use or keeping of guide dogs accompanying a blind person nor shall it affect or limit the use of official police dogs or search dogs.

SECTION 3: If any person has a claim pursuant to this Article, then that person shall file a formal written complaint with the Winfield Police Department.

**ARTICLE IV. PROHIBITING CRUEL TREATMENT OF DOGS AND CATS
ESTABLISHING THE PENALTY OF VIOLATIONS OF THIS ARTICLE.**

State Statutes on Cruelty to Animals, Code of Alabama 1975, § 13A-11-14

SECTION 1: Cruel Treatment - No person shall, in a cruel manner, overload, overdrive, deprive of necessary sustenance or shelter, unnecessarily or cruelly beat, injure, or mutilate any dog or cat, as owner or otherwise, inflicts unnecessary cruelty upon the same, or fails to provide the same with proper food, drink or protection from weather, or cruelly drives the same when unfit for labor, shall be guilty of a misdemeanor.

- a) The word "cruel" as used in this Article shall mean: Every act, omission, or neglect, including abandonment, where unnecessary or unjustifiable pain or suffering, including abandonment is caused or where unnecessary pain or suffering is allowed to continue.
- b) The words "dog or cat" as used in this article shall mean any domesticated member of the dog or cat family.

SECTION 2: Upon an alleged violation of this Article, the City of Winfield may appoint one or more trained agents to inspect the allegations of violations of this Article, to protect dogs or cats from any cruelty charged, and to prevent any cruelty to any dog or cat. Any appointment made pursuant to this section shall be made at a meeting of the local governing body duly called with notice.

SECTION 3: Any law enforcement officer and any agent of the municipality appointed pursuant to this Article, having reasonable belief, evidence of, or having found a dog or cat to be neglected or cruelly treated may perform either of the following:

- a) Remove the dog or cat from its present location.
- b) Order the owner of the dog or cat to provide certain care to the dog or cat at the owner's expense without the removal of the dog or cat from its present location.

Neither the City of Winfield, nor any employee or agent of the City of Winfield, acting in good faith, shall be liable for any actions taken under this section regardless of whether the dog or cat is returned to its owner after impoundment.

SECTION 4: The law enforcement officer or any agent of the City of Winfield shall immediately petition the municipal court for a hearing to be set within 20 days of seizure of the dog or cat or issuance of the order to provide care. The hearing shall be held not more than 10 days after the setting up of the date to determine whether the owner, if known, is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat. The hearing shall be concluded and the court order entered within 30 days after the date the hearing commences.

The owner, at least five days prior to holding such a hearing, shall be notified of the date of the hearing to determine if the owner is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat.

SECTION 5: The law enforcement officer or agent of the City of Winfield may provide for the dog or cat until either the dog or cat is returned to the owner by the court, or the court refuses to return the dog or cat to the owner and implements one of the procedures pursuant to this Article.

If the owner is adjudged by the court, with certification from a licensed veterinarian, to be able to provide adequately for and have custody of the dog or cat, the dog or cat shall be returned to the owner.

If the court determines that the owner of the dog or cat is unable, unwilling, or unfit to adequately provide for, protect, and have custody of the dog or cat, the court may implement the following by court order:

- a) Upon the testimony of the person taking custody, a licensed veterinarian, or another qualified witness ordering the dog or cat be remanded directly to the custody of the dog or cat control, humane shelter, or similar facility designated by the City of Winfield or other appropriate person to be disposed of by the facility or person.
- b) Upon proof of the costs incurred by the agent or agency having custody of the dog or cat, order that the owner pay any costs incurred for the care of the dog or cat and for any costs incurred. A separate hearing may be held by the judge of the municipal court on the assessment of costs on which assessment shall include all costs of notice and hearing. In the event the court finds the owner innocent of charges, the owner shall not be charged with costs of the care of the dog or cat in custody.

If the court determines that the owner is unable, unwilling, or unfit to adequately provide for and protect any other dog or cat in the custody of the owner, that was not originally seized by the agency, agent, or other person when the dog or cat in custody was seized, the court may enjoin the owner of further possession or custody of the unseized dog or cat.

SECTION 6: This Article shall not apply to any of the following people or institutions:

- a) Academic and research enterprises that use dogs or cats for medical or pharmaceutical research or testing.
- b) Any owner of a dog or cat who euthanizes the dog or cat for humane purposes.
- c) Any person who kills a dog or cat is found outside of the owned or rented property of the owner or custodian of the dog or cat when the dog or cat threatens immediate physical injury or is causing physical injury to any person or other animal.
- d) A person who uses a training device, anti-bark collar, or an invisible fence on his or her own dog or cat or with permission of the owner.

SECTION 7: This Article shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this article is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

ARTICLE V. DOG FIGHTING IS PROIBITED

State Statutes on Dog Fighting, Code of Alabama 1975, § 3-1-29

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

ARTICLE VI. CARE AND CONTROL

State Statutes on Care & Keeping of Animal, Code of Alabama 1975, § 3-1-13

The keeping of all animals within the city shall be subject to all pertinent regulations of the state health department and the county health department.

It shall be unlawful for the owner or keeper of any dog to keep such dog in any enclosure or on any leash or other restraint, unless the same shall be so arranged that such dog shall always have available water, food, shade, and proper shelter, or to treat any dog in any other inhumane manner.

ARTICLE VII. EXCESSIVE ANIMAL NOISES

State Statutes on Abatement of Nuisance § 11-47-118

1. It shall be unlawful for any person (hereinafter in this section referred to as the owner) to permit any animal or animals under the person's charge, care, custody or control to emit any excessive noise of such volume and nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes or within any neighborhood. For purposes of this section, the term "excessive noise" shall mean noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the animal or animals are kept. Factors that the City may use to determine whether the noise is excessive may include, but are not limited to, the following: (i) the nature, frequency and volume of the noise; (ii) the tone and repetitiveness; (iii) the time of day or night; (iv) the distance from the complaining or affected party or parties; (v) the number of neighbors affected by or complaining about the noise; (vi) any other relevant evidence demonstrating that the noise is unduly disruptive; and (vii) whether the animal or animals is/are being provoked.

(a) Upon receiving a written complaint involving excessive noise, the City shall issue a written notice to the owner advising the owner of the noise complaint and requesting immediate abatement. The written notice shall describe the excessive noise factors that form the basis of the complaint. Complaints to the City must be submitted in writing, and shall include the name, address and telephone number of the complainant(s) as well as the address of the animal owner and a description of the noise.

(b) If, after seven (7) days from the issuance of the written notice pursuant to Subsection (a) above, the owner of the animal or animals shall not have abated the noise then, upon affidavit made by the complainant and warrant issued by the City Judge or Magistrate, the owner shall be issued a citation for maintaining a nuisance in violation of this Ordinance and shall be subject to a fine for such violation.

2. The fine for a violation of this section shall be \$100.00 for the first such offense and \$300.00 for each subsequent offense which occurs within twelve (12) months of the first offense.

ARTICLE VIII. RABIES VACCINATIONS

State Statutes on Rabies Control, Code of Alabama 1975, § 3-1-2, § 3-7A-2, § 3-7A-9, § 3-7A-12, § 3-7A-13, § 3-7A-14

It is unlawful for any dog to be kept within the police jurisdiction of the city, unless the owner or keeper of such dog has had such animal properly vaccinated or inoculated for the prevention of rabies, in accordance with the regulations prescribed by the State Board of Health. All dogs over the age of three (3) months must be vaccinated for rabies and all such dogs shall wear a collar with a proper tag indicating such vaccination or inoculation.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

State Statutes on Municipal Enforcement, Code of Alabama 1975, § 3-6A-8

Any law enforcement officer or any agent of the City of Winfield having reasonable belief, evidence of, or having found a dog or cat or any animal to be neglected or cruelly treated may be removed from its present location or order the owner of the animal to provide certain care to such animal at the owners expense without the removal of the animal from its present location.

ARTICLE X. LIVESTOCK AND FOWL

State Statues on Livestock and Fowl Laws, Code of Alabama 1975, 3-5-1, § 3-5-2, § 11-47-110, § 11-47-110.1

It is unlawful for any person being the owner of or having under their control any livestock or fowl to go at large within the city limits. It is the duty of the animal owner to secure proper enclosure with adequate space, and should be kept in a clean, sanitary condition, and well drained area.

SECTION 1: Enclosure Standards.

- a) Enclosures for pigs or hogs shall be not less than 250 square feet in area for each animal penned and may not be floored. The enclosure shall be kept clean in such a manner that no foul or offensive odor emanates from the enclosure. Enclosures for pigs or hogs must be at least 150 feet from any dwelling.
- b) Enclosures for cows, calves, bulls, mules, horses, sheep, or goats, shall be not less than 100 square feet in area for each animal penned, and must be at least 25 feet from any dwelling.
- c) Enclosures for fowls such as chickens, geese, turkeys, ducks, guineas, or peacocks shall not be less than 100 feet from a dwelling, church, hospital, school, public building, or public park. There shall be provided for each fowl an area, pen or enclosure having a minimum of 15 square feet of space for each fowl so confined or kept on any premises.

SECTION 2: Running at Large

- a) Any person, being the owner of or having under his control any livestock such as horses, mules, cows, calves, sheep, bulls, goats, pigs, or hogs who knowingly permit any such stock to go at large within the city limits or police jurisdiction shall be guilty of a misdemeanor. Immediately notify the owner or person having control of such animal, if known, who may reclaim the animal in the manner provided by state law. If the animal is not reclaimed, it shall be disposed of in accordance with state law.
- b) Any person, being the owner of or having under his control any fowl such as chicken, geese, turkeys, ducks, guineas, or peacocks who knowingly permit any such fowl to go at large within the city limits or police jurisdiction shall be guilty of a misdemeanor. Immediately notify the owner or person having control of such animal, if known, who may

reclaim the animal in the manner provided by state law. If the animal is not reclaimed, it shall be disposed of in accordance with state law.

ARTICLE XI. PENALTIES FOR VIOLATIONS

State Statutes on Violations of Ordinances, Code of Alabama 1975, § 3-6A-5, § 3-6A-8, § 11-45-9

If any person has a claim pursuant to these Articles, then that person shall file a formal written complaint with the Winfield Police Department.

- a) Any person found guilty of violating articles of this ordinance shall pay all expenses, including shelter, food, veterinary expenses, or boarding necessitated by the seizure of any animal, livestock, or fowl for the protection of the public, and such other expenses may be required for the destruction of any such animal, livestock, or fowl and also shall be guilty of a misdemeanor and may be punished by a fine of not less than \$100.00 and not more than \$500.00, or imprisonment of not more than six months in jail, or by both fine and imprisonment.

Excluding ARTICLE VII from this section of penalties

ARTICLE XII. REPEALER

Sections of this Ordinance Referenced from the Code of Alabama 1975, § 3-6A-1 through § 3-6A-8

If any article, section, sentence, clause, phrase, or part of this ordinance is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdictions, such decision shall not affect any remaining articles, sections, sentences, clauses, phrases, or parts of this ordinance.

ARTICLE XIII. LIABILITY

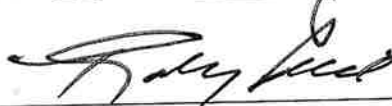
§ 11-45-1, Code of Alabama, 1975, authorizes municipalities to adopt ordinances to protect the public health, safety, and welfare.

This ordinance adopts the principles of criminal liability as expressed in the Code of Alabama, and as amended from time to time.

ARTICLE XIV. EFFECTIVE DATE

This ordinance shall be in force and effect from and after its adoption and publication.

ADOPTED and ORDAINED this the 8th day of October, 2025



Mayor

Attest:


City Clerk

I, Angie Oliver, City Clerk of the City of Winfield, certify that the foregoing Ordinance No. _____ is a true and correct copy of that certain Ordinance adopted by the City of Winfield, on this the 8th day of October, 2025

WITNESS, my hand this 8th day of October, 2025.





City Clerk