

SUBSTITUTE “A”

ORDINANCE NO. 18-952

WHEREAS, the City of Huntsville values the life of each and every one of its shelter animals, and therefore strives to provide these animals with the Five Freedoms of Animal Welfare, which are freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury or disease; freedom from fear and distress; and freedom to express normal behavior; and

WHEREAS, the City of Huntsville recognizes and accepts the substantial responsibilities that come with proper sheltering and caring for its shelter animals; and

WHEREAS, the City of Huntsville will provide proactive field services by prioritizing education and the provision of resources and information, discretionary of the issuance of code violations or citations; and

WHEREAS, the City of Huntsville has increased opportunities for the live-release of its shelter animals, while balancing public safety, and animal health and welfare; and

WHEREAS, the City of Huntsville shall remain dedicated to and steadfast toward all of its existing life-saving programs and, as needed, the creation and development of additional life-saving programs; and

WHEREAS, the City of Huntsville is firmly committed to an adoption and placement decision process that does not discriminate against or disparately impact any minority or underserved populations, while striving for efficient customer service; and

WHEREAS, the City of Huntsville recognizes the vital role that robust volunteer programs is to its life-saving programs, and that the maintenance and development of this program provides improved opportunities for both its sheltered pets and the visiting general public; and

WHEREAS, the City of Huntsville seeks to quickly and reliably return pets to their owners; and

WHEREAS, the City of Huntsville attempts to identify adoption or placement options for the shelter animals in care, while recognizing discretion is necessary to make the best decisions for animals and the communities in which they live; and

WHEREAS, the City of Huntsville shall continue to provide operational transparency by closely

monitoring and publishing statistical data; and

WHEREAS, the City of Huntsville seeks to minimize euthanasia through procedural safeguards with a goal of eliminating euthanasia of healthy, treatable animals.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that Ordinance No. 95-693, as adopted and approved on October 12, 1995, Ordinance No. 96-845 as adopted and approved on October 28, 1996, Ordinance No. 99-1036 as adopted and approved on December 9, 1999, Ordinance No. 03-1065 as adopted and approved on December 18, 2003, Ordinance No. 07-69 as adopted on February 8, 2007; Ordinance No. 09-389 as adopted and approved on May 14, 2009, Ordinance No. 09-501 as adopted and approved on May 28, 2009, Ordinance No. 14-89 as adopted and approved on February 27, 2014, Ordinance No. 16-621 as adopted and approved on September 8, 2016, Chapter 5, *Animals*, of the Code of Ordinances, City of Huntsville, Alabama, are hereby amended to read as follows:

Section 1. The following phrases in Chapter 5 *Animals* shall be amended to read as follows:

- A. *The animal control center or city animal control center* shall be amended to read *HAS*.
- B. *An animal control officer or an animal services officer* shall be amended to read *HAS officer*.
- C. *Animal control director* shall be amended to read *director*.

Section 2. Sec. 5-1 *Definitions* of the Code shall be amended to read as follows:

- A. The definitions set forth in Sec. 5-170, except for *Animal control center, Animal control officers, Bitten, Impounded, Owner, Physical Injury, Proper enclosure for a dangerous animal and Serious Physical Injury* shall be added in their entirety to Sec. 5-1.
- B. The following definitions shall be deleted in their entirety: *Alteration, Animal control center, Animal control officers, Canine corps dogs, Cattery, Dog presumed to be vicious, Has been exposed, Rabies officer, Restraint off premises, Restraint on premises, Shelter for outdoor dog, and Wild animal.*
- C. The following definitions shall be added in their entirety:

Altered or sterilized (spay, neuter, sterilize, "fix") - surgical removal or modification of reproductive organs by a licensed veterinarian such that the animal can no longer produce offspring.

Animal shelter – HAS facility or other director-approved facility which houses and cares for stray, homeless, impounded, surrendered or abandoned animals.

Community Cat- Any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are ear tipped, sterilized and have received at least one vaccination against rabies. Community cats are exempt from any licensing, stray, abandonment and at-large provisions directed towards owned animals. A community cat may also be defined as a cat

'found' outside that is brought to an animal shelter and not yet sterilized/ear tipped.

Community Cat Caregiver- A person who provides care, including food, shelter or medical care to a community cat, while not being considered the owner, custodian, harbinger, controller or keeper of a community cat or to have care or charge of a community cat, as identified and recognized by the director. Caregivers must make every effort to minimize the impact on local wildlife, feed the proper quantity of food for the number of cats in appropriate food containers, discard food containers daily and feed only on their property or with the permission of another landowner (city, state or federal public property). Community cat caregivers may redeem community cats from the shelter without proof of ownership and are exempt from any charges and/or fees.

Community Cat Diversion- Sterilizing, ear tipping and vaccinating a cat large enough for spay/neuter that is found outside and returning him to his original location as opposed to admitting to a shelter.

Dangerous Dogs Class – Court-ordered seminar taught by HAS to address proper care and ownership of dogs determined to be dangerous.

Ear tipping- The removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated against rabies at least once. Caregivers must make every effort to booster the rabies vaccination as per the manufacturer's instructions.

Foster – a director-approved person, animal shelter or animal rescue agency that can temporarily shelter, nurture and care for an adoptable HAS animal until a permanent home or placement is available.

HAS – the City of Huntsville animal services department, including the city animal shelter, places designated or used as such by the city as a place of temporary confinement of HAS animals held under the authority of this chapter, and HAS personnel.

HAS officers - the director and all enforcement officers assigned to HAS.

Health officers – officials with the county department of public health.

Impounded - the animal is taken into the custody of law enforcement or HAS officers and confined in the animal service center or other such similar facility as may be approved by the director.

Microchip – A permanent method of electronic identification. Each chip has a unique number that is detected using a microchip scanner, and includes an owner's identifying information.

Microchipping – Injecting a microchip under the skin and between the shoulder blades of a domesticated dog or cat.

PAWS class – Court-ordered seminar taught by HAS to address proper care and ownership of

domesticated animals.

Physical injury - Impairment of physical condition or substantial pain.

Proof of sterilization – Letter certificate signed by a state licensed veterinarian that describes the pet by name, description, breed, color, age, gender, and owner's name and indicates that the animal's reproductive organs have been surgically removed in order to render the animal unable to reproduce or may be established by physical examination by the director.

Serious Physical Injury - Physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

Shelter/Neuter/return (SNR) - process by which a community cat is brought to HAS, neutered, and returned to its community.

Trap/Neuter/Return (TNR) - The process of humanely trapping, sterilizing, vaccinating against rabies and eartipping community cats and returning them to their original location.

Unattended - the animal is not in visual range of an owner, responsible party, or person in charge.

Unsafe structure, building or property – Building, structure and surrounding premises found to be dangerous to the life, health, property or safety of the public or the occupants of the structure.

D. The following definitions shall be amended to read as follows:

Cat - any member of the domestic feline family four months of age or older.

Director - the director of the department of animal services or Huntsville Animal Services (HAS).

Dog - any member of the domestic canine family four months of age or older.

Kennel - an establishment or structure used for harboring, raising, training or boarding animals.

Kitten - any member of the domestic feline family less than four months of age.

Puppy - any member of the domestic canine family less than four months of age.

Quarantine - confinement under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten days subsequent to the date of the exposure to rabies, or as otherwise directed by the health officer.

Vicious animal - any animal that is known to have bitten or attacked a person or other animal without provocation or cause; or, additionally, in the case of a dog, one that is known by the owner or person in charge to chase moving vehicles, or to charge persons on public streets, in public parks or public park areas, whether or not such dog has actually bitten or attacked a person or other domestic animal; or any dog that has been trained as a guard dog and has bitten

or attacked a person or other animal.

E. The defined words shall be changed to the following defined words:

Exotic shall be changed to *Exotic animal (includes wild animal)*.

Swine shall be changed to *Hog*.

Section 3. Sec. 5-71, Sec. 5-112, and Sec. 5-170 shall be deleted in their entirety.

Section 4. Sec. 5-2 *Department of animal services* of the Code shall be amended to read as follows:

a) HAS shall be under the general supervision and control of the director of the City's animal services department. The director shall be a department head of the city and shall be appointed by the mayor subject to the approval of the city council as provided by law. The director shall hold office for the term of the mayor making the appointment. The director shall administer the department in accordance with city policies and procedures and the laws of the state. Generally, the director shall be available to councilmembers to respond to requests for information or questions related to matters under the general control of the director which are pertinent to the performance of a councilmember's duties.

(b) All enforcement officers assigned to HAS shall be known as HAS officers and shall provide animal control and services. Any provisions of this chapter referring to the director shall also mean and include any authorized employee acting in his stead and under his supervision.

(c) The policies, programs, procedures, and activities of HAS, as established by the director, shall be in furtherance of advancing the following goals:

- (1) Maximize the live release of all healthy and treatable domestic animals received into HAS care;
- (2) Development of routine and positive relationships with private animal rescue organizations to pursue joint programs that facilitate the release of HAS animals into the care of the partner agencies as a component of the department's active foster and adoption programs;
- (3) Intake procedures of domestic animals that meet modern standards for shelter medicine and seek to identify the owner of owned domestic animals. All methods of identification should be attempted at intake, including use of microchips and similar emerging technologies;
- (4) Foster care programs to provide for the temporary care of HAS animals during mandatory hold periods and while awaiting adoption;
- (5) Pre-selection of HAS animals for permanent care solutions during mandatory hold periods.
- (6) A single web-based source for listing and advertising all domestic animals at HAS to include initial listing as a component of intake processing of all animals and ensure daily updates to the site;
- (7) Defined standards of care of all domestic animals housed at HAS that meet the standards for

modern shelter medicine;

- (8) Accurate recordkeeping of all animals housed at HAS. Publish interim monthly reports providing outcomes for animals received at HAS; and following audit, publish an annual report (calendar year based) providing aggregated annual statistics for all animals received and their outcomes. Reports shall be published on the City of Huntsville website for free, public access; and
- (9) Required director approval before any euthanasia procedure. Authority to perform euthanasia shall be retained by the director. The euthanasia policy shall include all conditions that must be met prior to conducting any euthanasia procedure.

Section 5. Sec. 5-5, *Minimum penalties*, of the Code shall be amended to read as follows:

Any person violating any provision of this chapter shall be punished as provided by sec. 1-7; however, when any person is found guilty of violating any provision of this chapter for which a fine is provided and imposed, in addition to such other punishment as may be provided by the court, the minimum fines shall apply as follows:

| VIOLATION CODE | OFFENSE | FIRST OFFENSE | SECOND OFFENSE | THIRD SUBSEQUENT OFFENSE | OR |
|----------------|---|---------------|----------------|--------------------------------|----|
| 200 | Failure to restrain or confine dog or cat | \$25.00 | \$50.00 | \$100.00 | |
| 201 | Failure to register or obtain license/permit for animal | \$15.00 | \$25.00 | \$50.00 | |
| 202 | Failure to confine a female dog or cat in estrus (season/heat) | \$25.00 | \$50.00 | \$200.00 | |
| 203 | Failure to attach current license tag to animal | \$15.00 | \$25.00 | \$50.00 | |
| 204 | Failure to attach current rabies tag to animal | \$15.00 | \$25.00 | \$50.00 | |
| 205 | Confining animal or animals in pen less than minimum area or improper distance from occupied dwelling | \$15.00 | \$25.00 | \$50.00 | |
| 207 | Cruelty to animals | \$200.00 | \$500.00 | Court only | |
| 208 | Maintaining a nuisance animal | \$25.00 | \$50.00 | \$100.00 | |
| 210 | Allowing another animal other than a dog or cat to run at large | \$25.00 | \$50.00 | \$100.00 | |
| 211 | Failure to obtain rabies vaccination | \$20.00 | \$25.00 | \$50.00 | |

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|-----|-----------------------|---------|---------|----------|
| 213 | Misuse of animal trap | \$25.00 | \$50.00 | \$100.00 |
|-----|-----------------------|---------|---------|----------|

At the judge's discretion, the fine for an offense may be waived/refunded upon proof that the owner or person in charge has successfully completed the PAWS class.

The fines listed in this section are in addition to all applicable court costs.

Section 6. Subsections (a)(1), (5), (9) and (12) of Sec. 5-6 *Cruelty to animals prohibited* shall be amended to read as follows:

- (1) Fails to provide clean, fresh potable water and food which is adequate for the animal's size, age, and physical condition. The water shall be either free flowing or provided in a removable receptacle that is properly secured to prevent tipping and rendering it useless, and shall also be of an adequate amount given the size of the animal and the environment in which the animal is kept to prevent the animal from overheating or dehydrating. The food provided to the animal shall be suitable for the animal's physical condition and age and in sufficient quality and quantities to maintain an adequate level of nutrition for the animal.
- (5) Keeps any animal under insanitary or inhumane conditions which are detrimental to the animal's health and general welfare, fails to properly groom the animal, including cutting or maintaining the animal's hair to an optimum length and condition appropriate for the animal's breed, or fails to maintain the animal in a condition of good order or cleanliness which increases the probability of transmission of disease, animal discomfort or suffering;
- (9) Fails to provide adequate shelter and space for an animal:
 - a. Any animal that is habitually kept outside or repeatedly left outside unattended shall be provided with a structurally sound, moisture-proof and wind-proof shelter large enough to keep the animal reasonably clean and dry. A shelter which does not adequately protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Adequately protecting the animal from temperature extremes shall be determined by the HAS officer based on the breed, body condition, medical condition, hair coat, and age of the animal. Generally, the inside of the shelter should be maintained above 40°f and below 90°f.
 - b. An animal's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites.
 - c. Shelter for an animal is defined and interpreted as a structure having four sides in addition to a roof and floor with one side having an entrance or an Igloo type structure specifically designed for outdoor housing of an animal. The animal shall be able to enter, stand, sit, lie down and turn around in the shelter in a normal manner. A barrel, keg, or drum shall not be considered shelter. Transport carriers designed to move an animal from one location to another and which do not have solid walls shall not be

considered shelter.

- d. The shelter and surrounding area shall be kept clean of accumulated feces, water, mud, garbage and any other debris, and shall provide at least one dry location for the animal to rest or stand.
 - e. The shelter shall be placed in an area that provides protection from the elements, including wind and rain, and direct rays of the sun, when sunlight is likely to cause overheating or discomfort.
- (12) Restrains an unattended animal with a leash or tether, or fixed point chaining or tethering the animal, to a stationary object, including but not limited to a house, tree, fence, post, garage, or shed.

Section 7. Subsections (d) and (e) of Sec. 5-12 *Humane traps* shall be amended to read as follows:

- (d) Any owner or person in charge of any premises within the city may set his own humane trap on such premises for the purpose of trapping and removing any domesticated animals, except songbirds, which have entered the premises. The owner or person in charge shall notify the director or an HAS officer prior to setting his own humane trap. Use of one's own humane trap pursuant to this section shall be coordinated with the director or HAS officer to make sure such trapping is conducted at times consistent with the operating hours of HAS, it being the intent of this section that no captured animal remain trapped for more than 12 hours. It shall be the duty of the owner or person in charge to check such traps daily and bring any captured domesticated animals to HAS where they shall be disposed of as otherwise provided in this chapter. It shall be a violation of this chapter for any owner or person in charge of any premises to do any of the following:
- (1) Use any trap to capture or remove songbirds;
 - (2) Use any trap on any premises not his own or not under his charge;
 - (3) Fail to inspect any trap at least every twelve (12) hours;
 - (4) Fail to deliver any domesticated animal captured to HAS or to the animal's owner, if known, within twelve (12) hours of its entrapment; and if the animal's owner is unknown, fail to notify HAS within twelve (12) hours of its entrapment;
 - (5) Fail to exercise reasonable care and diligence to avoid injury to the trapped animal; or
 - (6) Use or permit to be used any leg hold trap, snare or other inhumane trapping method or device unless authorized by the health officer, appropriate state or federal official, or director.
- (e) The director may authorize citizens to use city-owned traps for trapping domesticated animals, including SNR and TNR traps. Before any person shall be permitted to obtain a humane trap from HAS for use on his own premises or premises over which he is in charge, such person shall sign an agreement that he has been advised that the acts or failures to act enumerated in this section constitute a violation of this chapter.

Section 8. The section number and title of sec. 5-111 *Stray animals may be taken up* is hereby renumbered and amended to read sec. 5-14 *Stray animals*; the entire former sec. 5-111 and new sec. 5-14 is hereby added to Article I, *In General*, and the following sentence is hereby added to the end of the new sec. 5-14: “This section is not applicable to community cats, as determined by the director.”

Section 9. Sec. 5-50 *Transporting animals into city for purpose of impounding* is hereby renumbered sec. 5-15, added in its entirety to Article 1, *In General*, and amended to read as follows:

Sec. 5-15. *Transporting animals into city for purpose of impounding.*

It shall be unlawful for any person to drive or bring or attempt to drive or bring any animal into the city for the purpose of having the animal impounded; however, dogs and cats brought in from outside the city may be accepted by the director or a HAS officer, at the director’s discretion, from the owner or other person in charge for immediate disposal or adoption only.

Section 10. Sec. 5-101 *Violations of this article* is hereby renumbered sec. 5-16, added to Article 1, *In General* and amended to read as follows:

Sec. 5-16. *Violations of this chapter.*

Except as otherwise provided in this chapter, any person violating or aiding or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this chapter or rule promulgated under this chapter or except as otherwise provided, or resisting, obstructing or impeding any authorized officer in enforcing the provisions of this chapter, or refusing to produce for immunization any animal in his possession for which anti-rabies vaccine is recognized and recommended, or for failing to report an animal bite, shall be guilty of a misdemeanor, and for the purpose of enforcing this chapter, shall be fined not less than \$25.00 or more than \$500.00.

Section 11. Sec. 5-102 *Authority of health officer* is hereby renumbered Sec. 5-17 and added to Article 1, *In General*.

Section 12. Sec. 5-18 is hereby enacted to read as follows:

Sect. 5-18. *Disposal of animals impounded under Title 3. Animals, Chapter 7A, Rabies of the Code of Alabama.*

Except as otherwise provided in sec. 5-75 (c), any cats, dogs and ferrets impounded in accordance with the provisions of Title 3 Animals, Chapter 7A Rabies of the Code of Alabama, may be humanely destroyed and disposed of when not redeemed by the owner within seven (7) days.

Section 13. Section 5-19 of the Code shall be enacted to read as follows:

Sec. 5-19 *Experimental Animals.*

It shall be unlawful for any person, pet store, animal shelter or animal rescue agency to sell, give, trade, barter or transfer any animals to any person, hospital, educational institution, laboratory, or animal dealer for the purpose of medical/biological teaching, research, study or experimentation of

any kind.

Section 14. Section 5-20 of the Code shall be enacted to read as follows:

Sec. 5-20 *Unlawful to sell, barter or give away animal.*

Without the prior written approval of the director, it shall be unlawful for any person to do any of the following:

- (a) Sell, give, trade, barter or give away a live animal as part of a commercial transaction on any street, highway, public right-of-way, parking lot, carnival, or sidewalk; or
- (b) Display or offer for sale, trade or barter, or display or offer to give away a live animal as part of a commercial transaction, if the act of selling or giving away the live animal is to occur on any street, highway, public right-of-way, parking lot, carnival, or sidewalk.

Animal adoption events held by an animal shelter or animal rescue agency, as defined by the standards set forth in sec. 5-72 (c), that are otherwise compliant with all other provisions of this chapter, are not prohibited by this section.

Section 15. Subsections (a) (1), (a) (2) and (b) (1) of Sec. 5-41 *License – required; fee* shall be amended to read as follows:

(a)(1) Spayed or neutered: \$10.00; or

(a)(2) Unspayed or unneutered: \$50.00

However, when a license is issued for a dog or cat too young to be subjected to alteration because it is less than four months old at the time the license is issued, and the dog or cat is altered subsequent to the beginning of the next license year, upon proof of sterilization, the director may issue a license at no charge for the following license year.

(b)(1) Spayed or neutered: \$35.00.

Section 16. Subsection (f) of Sec. 5-41 *License – required; fee* is enacted to read as follows: “This section does not apply to community cats.”

Section 17. The first sentence of subsection (c) of sec. 5-42 *Same - Issuance* shall be amended to read as follows: “The mayor, upon recommendation of the director and the city clerk-treasurer, shall authorize any licensed veterinarian, or any other appropriate agent, to accept applications for issuance of, on behalf of the city, the license required in this article.”

Section 18. Sec. 5-43 *Harboring dogs or cats* shall be amended to read as follows:

It shall be unlawful for any person to own, harbor, control, or keep more than three (3) dogs or cats, four (4) months old or older, which are frequently outside the residence and on the premises. This section is not applicable to community cats, or a community cat caregiver, as designated by the

director.

Section 19. Sec. 5-44 *Duty to restrain* shall be amended to read as follows:

- (a) *Dogs*. It shall be the duty of every owner or person in charge of a dog to keep the animal under effective restraint, while the dog is within the city, whether or not the dog is upon or away from his premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep the animal under effective restraint. Proof that a dog is not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense. Competent evidence that the failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the city to prove otherwise.
1. It shall be the duty of every person owning or having the custody or control of a dog to physically restrain the dog when such dog is left unattended outside. The dog must be restrained so as to prevent the dog from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another.
 2. Dogs may be restrained by means of a trolley system, or a runner attached to a pulley on a cable run, if the following conditions are met:
 - a. Such restraint shall be fixed in such a manner to allow the dog free use of the restraint without it becoming tangled, wrapped around an object or shortened to prevent injury or strangulation.
 - b. The restraint shall also be an appropriate weight for the dog and shall be affixed to a proper fitting harness or collar with a swivel attachment. The collar shall be properly fitted to the dog, made of a suitable material other than metal that does not cause damage to the dog's skin, and affixes the dog to a pulley or runner;
 - c. Only one dog shall be tethered to each cable run.
 - d. The tether shall be attached to a properly fitting harness or collar worn by the dog. Choke collars, pinch collars and prong collars are prohibited for purposes of tethering a dog to a cable run.
 - e. There shall be a swivel on both ends of the tether to minimize tangling of the tether.
 - f. The tether and cable run shall be of adequate size and strength to effectively restrain the dog. The size and weight of the tether shall not be excessive, as determined by the HAS officer, considering the age, size and health of the dog.
 - g. The length of the tether from the cable run to the dog's harness should allow access to a reasonable available exercise area and should allow continuous access to water and shelter. The pulley system shall be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury to the dog, and to prevent the tether from becoming tangled with or

impeded by other objects or dogs.

- h. The dog is at least six (6) months of age or older.
 3. Dogs may be restrained by confining within a fenced yard or enclosure so long as there is an adequate space for exercise based on a dimension of least two hundred (200) square feet for the first dog, and an additional one hundred (100) square feet for each additional dog, up to three (3) dogs, including a dry area for each animal to rest or stand. Provided further that said enclosure shall be made of chain link, or similar type materials, and shall be of sufficient height to prevent the dog from escaping.
 4. The use of underground electric fencing systems shall satisfy physical restraint so long as the owner assures:
 - a. The underground electric fence system is in working order;
 - b. The animal is trained in accordance with the fencing system;
 - c. The animal is wearing a functional fence collar,
 - d. The property is clearly and prominently marked indicating the existence of the underground electronic fencing system with a minimum of one sign on the property.
 - e. The underground electronic fencing system shall not allow the animal to progress closer than ten (10) feet in proximity to any public sidewalk, public street or other public right of way.
 5. Underground electronic fencing is prohibited for dogs deemed to be dangerous as defined in sec. 5-1.
 6. A dog that can snap or bite a person through a fence shall not be considered enclosed by the fence or properly restrained.
 7. Multiple dogs that fight each other shall not be kept within the same enclosure.
- (b) *Cats*. It shall be unlawful for the owner or any person having custody or control of any cat within the city to allow such cat to be a nuisance, cause destruction or damage to the property of another, or to run at large; however, no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a judge or magistrate of municipal court. This section is not applicable to community cats, or a community cat caregiver, as determined by the director.

Section 20. Sec. 5-72. *Confinement of dogs or cats running at large; confinement of dogs or cats turned in by owner or person in charge; disposition of dogs or cats confined* shall be amended to read as follows:

- (a) Any dog or cat found running at large within the city is declared to be a nuisance and shall be seized by the director or a HAS officer, confined at HAS or temporarily placed with a director-approved foster resource or animal rescue agency, photographed for identification

purposes, and cared for in a humane manner, subject to the owner's rights of redemption stated below. In addition to, or in lieu of confining a dog or cat found unlawfully at large, when the owner or person in charge of the dog or cat is known to the director or HAS officer, the director or HAS officer shall return the dog or cat to the owner or person in charge. The owner or person in charge may be cited in accordance with the provisions in this article. This section may not be applicable to community cats, as determined by the director.

- (b) Upon confinement of a dog or cat, HAS shall scan the animal for a microchip, and check for tags, tattoos or other identifying information to make reasonable efforts to ascertain the identity of and notify the owner or person in charge of such dog or cat of its confinement and of the conditions under which possession of such animal may be regained. Unless determined otherwise by the director, sterilization and microchipping of all animals impounded by HAS shall be mandatory and the owner or person in charge shall bear the cost associated therewith. The owner or person in charge shall have thirty (30) days to update the microchip with correct identification information.
- (c) If not claimed by the owner or person in charge within three (3) days, the city may transfer ownership of any dogs or cats held by HAS to an approved adoption applicant, or any animal rescue agency that can provide proof of Internal Revenue Service 501(c)(3) nonprofit status and is otherwise approved and authorized by the director provided the approved agency, upon obtaining possession of each such dog or cat, shall agree not to release the animal to any person other than the owner or person in charge until the following requirements have been met:
 - (1) Dogs and cats three (3) months of age or older have received a rabies inoculation;
 - (2) Dog and cats have been microchipped. The new owner or person in charge shall have thirty (30) days to update the microchip with correct identification information; and
 - (3) Dogs over eight (8) weeks old and cats weighing at least one and one half (1½) pounds have been sterilized in conformity with current Guidelines for Standards of Care in Animal Shelters established by The Association of Shelter Veterinarians, unless the director or other licensed veterinarian determines that the animal has a medical condition preventing successful sterilization.
- (d) The city shall not knowingly transfer ownership under subsection (c) of this section of any dog or cat known to have bitten a person or animal without justifiable provocation before written notification and disclosure to the new owner.
- (e) The city shall not transfer ownership under subsection (c) of this section of any dog or cat that is maimed or diseased and, in the opinion of the director, not suitable for adoption. This subsection, however, shall not be construed to preclude temporary transfer or placement of a HAS dog or cat that is injured, maimed, diseased or has a significant health condition, immediately after intake, to a director-approved foster resource, or animal rescue agency as defined by the standards set forth in sec. 5-72(c), subject to the owner's rights of redemption. Irremediably suffering animals may be euthanized without delay, upon a written

determination made by a licensed veterinarian or the director.

- (f) If the owner of an injured animal is unknown and the animal has been hospitalized by a licensed veterinarian for a period of three (3) days, the animal may be released to the veterinarian upon his request.
- (g) Any dog or cat turned in by the owner or person in charge shall be available for immediate adoption in accordance with sec. 5-73, or for transfer in accordance with this section but shall otherwise be confined for a period of not less than (3) three days provided space is available at the discretion of the director.
- (h) Any litters of two (2) or more kittens or puppies found running at large within the city shall be seized by the director or HAS officer and made available for immediate adoption or placement as determined by the director.
- (i) Community cat diversion programs shall operate at the discretion and under the supervision of the director.

Section 21. Sec. 5-73 *Redemption and adoption* shall be amended to read as follows:

- (a) The owner or person in charge entitled to possession of any dog or cat confined under the provisions of this article, may recover possession of such dog or cat upon payment of the charges set forth in sec. 5-74 to the director provided such owner or person in charge entitled to recover possession of any dog or cat three (3) months of age or older shall produce a certificate sterilization, and a certificate or evidence satisfactory to the director that such dog or cat has, within twelve (12) months prior to confinement, been inoculated for rabies, and that all required license fees have been paid for the current year. If the owner or person in charge entitled to possession of any dog or cat so confined is unable to produce a certificate of sterilization, and a certificate or satisfactory evidence of inoculation for rabies and of proper licensing of the dog or cat within the 12-month period prior to the confinement of the dog or cat, before the director shall release the dog or cat, fees shall be paid for the sterilization, inoculation and city license; and

The owner or person in charge entitled to possession of any dog or cat may avoid payment of the redemption fee if the animal has not been sterilized (spayed or neutered) and the owner or person in charge agrees to pay for the sterilization of the animal at the time of redemption as well as securing a license for the animal. In such cases, the animal may be delivered by HAS personnel to a state licensed veterinary office for sterilization and the owner or person in charge shall recover the animal from that office after the sterilization is complete and payment has been tendered to the director in accordance with fees established in sec. 5-74. At the discretion of and under the supervision of the director, sterilization of animals may be performed at HAS by a properly licensed veterinarian. Unless determined otherwise by the director, sterilization and microchipping of all animals impounded by HAS shall be mandatory and the owner or person in charge shall bear the cost of the sterilization, redemption and a license.

- (b) It shall be unlawful for any person to secure any dog or cat from HAS without authority to do so.
- (c) It shall be unlawful for any employee of HAS to redeem any dog or cat or become directly or indirectly interested in the redemption of any dog or cat not owned by such employees of HAS prior to its impoundment.
- (d) Based on the information provided during the adoption process, the director or his representative has the right to deny the request to adopt an animal if he feels that the person is unable to provide a suitable home to care for the animal properly and prevent it from being a nuisance. A home visit by HAS may be required within the first year of adoption.
- (e) Upon approval to adopt an animal from HAS, the adoption agreement shall be signed. Failure to agree to the terms of the adoption agreement shall be grounds for disqualification.
- (f) Animals shall be sterilized in accordance with the terms of the adoption agreement.
- (g) It shall be unlawful for the owner or person in charge of any such cat or dog to fail to comply fully with this section. Any person in violation shall be punished as provided in sec. 5-5.

Section 22. Sec. 5-74 *Charges for confinement and caring* shall be amended to read as follows:

- (a) The city shall charge and collect fees from owners who redeem their animals or persons seeking to adopt abandoned animals as set forth below.
- (b) The fee schedule will not include applicable charges for any license or rabies vaccination that is required by this article or other applicable law.
- (c) Animals may not be adopted by original owners or their immediate family members so as to avoid paying a violation fine or redemption fee.
- (d) At the discretion of the director, fees may be waived or reduced.

FEE SCHEDULE FOR HUNTSVILLE ANIMAL CONTROL

| | |
|---------------------------------------|---|
| Impoundment | \$50.00—1st offense per animal |
| | \$75.00—2nd offense per animal |
| | \$100.00—3rd or subsequent offense per animal |
| Boarding | \$10.00 per day per animal |
| Sterilization | |
| Dog | \$60.00 per animal |
| Cat | \$50.00 per animal |
| Adoption Fees* | |
| Dogs and Cats** | \$0 - \$250.00 per animal |
| All other shelter animals, livestock, | \$0 - \$1000.00 per animal |

| | |
|---|--|
| pocket pets, birds, exotic animals** | |
| Microchip placement and registration | \$20.00 per animal |
| Euthanasia | \$35.00 per animal |
| Heartworm checks | \$10.00 per animal |
| Feline Leukemia Virus (FeLV)/Feline Immunodeficiency Virus (FIV) Test | \$35.00 per animal |
| Owner Surrender Fee | \$35.00 per animal |
| Fees for pre-approved governmental agencies*** | |
| Boarding | Less than 8 hours - \$10.00 per animal More than 8 hours - \$80.00 per animal |
| Euthanasia | \$25.00 per animal |
| Disposal | \$25.00 per animal |
| HAS Classes | |
| Dangerous Dog Class | \$35.00 per class |
| PAWS Class | \$35.00 per class |

* Upon payment of the adoption fee, the purchaser will receive a voucher for rabies vaccination, voucher for spay or neuter, and a license.

** Animal types, and/or specific fees shall be determined by the director.

*** Any fees not specified shall be the same as those listed above.

Section 23. Subsections (a) and (c) of Sec. 5-75 *When disposal may take place* shall be amended to read as follows:

- (a) Except as set forth in sec. 5-18 and sec. 5-75 (c), after a dog or cat has been confined for at least five (5) days, and no owner or person in charge has been identified, or if the owner or person in charge entitled to possession fails to make application for the release of such dog or cat, as provided in this article, or fails to pay the charges as provided in this article, or fails to pay for the proper inoculation for rabies, or if such satisfactory evidence as required by sec. 5-73 was not provided, or if ownership is not transferred by the city in accordance with sec. 5-72, then such dog or cat is declared a nuisance and a danger to the health, safety and welfare of the city and the director or authorized HAS officer may cause such dog or cat humanely to be destroyed as provided in this article; however, any puppy or kitten under two weeks old or whose eyes have not opened may be humanely disposed of immediately upon being impounded when found to be in violation of this chapter.
- (c) Any confined dog or cat that is injured or diseased may, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian, or by the director or his representative, if it is agreed that such destruction is necessary to prevent unnecessary

suffering, to prevent the spread of disease, or because the animal is incurable.

Section 24. Subsection (b) of Sec. 5-131, *Impoundment authorized; disposal of farm animals, exotic animals, or reptiles*, shall be amended to read as follows:

(b) When such farm animal has been seized and confined, the director or authorized enforcement officer shall proceed to sell the animal at public auction to the highest bidder for cash within the legal hours of sale in front of HAS, or another location as designated by the director, after first giving five days' notice of time and place of sale, together with a description of the animal to be sold, by posting a notice at a conspicuous place at HAS, and by publication one time in a newspaper published in the city. The proceeds from the sale shall be paid to the city clerk-treasurer. Any farm animal that is not claimed by its owner and is not purchased when placed at public auction shall become the property of the city and may be disposed of in a humane manner at the discretion of the director.

Section 25. Sec. 5-132, *Charges for advertising and care of impounded animals*, shall be amended to read as follows:

The city shall be entitled to and shall receive the sum of \$100.00 for impounding and keeping each and every farm animal, exotic animal or reptile, plus the cost of advertising farm animals as set forth in sec. 5-131, plus the additional sum of \$10.00 for each day or fraction of a day that each of such animals (farm animal, exotic animal or reptile) is kept and cared for by the city pending the redemption or sale, plus the cost of any veterinary services deemed necessary to the well-being and life of the animal (farm animal, exotic animal or reptile).

Section 26. Subsection (b) of Sec. 5-154, *Appropriate city official notification*, shall be amended to read as follows: "A large dead animal such as a horse, mule, deer, cow or hog shall be reported to the director of public works services."

Section 27. Sec. 5-155 *Removal by the city* shall be amended to read as follows:

When a citizen request is made to HAS for removal of a small dead animal from a city right-of-way or the citizen's property, which is unrelated to an animal business or service, or when a request is made to the director of public works services for removal of a large dead animal from a city right-of-way or the citizen's property, which is unrelated to an animal business or service, it shall thereupon be the duty of the official receiving the request to demand of such person his name and address, including street and house number, and a description of the dead animal. Immediately upon receipt of the information demanded, the official receiving the request shall cause the remains of such dead animal to be removed and buried at least two (2) feet below the surface of the ground or to be burned. If the death is due to a communicable disease, the remains shall be burned. However, the director or a HAS officer may require that the requesting party place the small dead animal in a securely fastened plastic bag or similar container and make the container accessible at the curb or at such other place upon the property as he may direct.

Section 28. Sec. 5-174 *Walking or exercising an animal declared dangerous* shall be amended to read as follows:

No owner of an animal which has been declared to be dangerous shall allow the animal out of its proper enclosure without proper supervision and adequate restraint.

- (a) Proper enclosure for a dangerous animal shall be suitable to prevent the entry of the general public and that:
 - (1) Is capable of being locked with a key, key pad, or combination lock when the animal is within the structure or when the structure is unattended;
 - (2) Has secure sides, a secure top and a secure concrete, or other comparable material, bottom and is attached securely at all sides. All four sides of the fence or pen must be sunk at least one foot into the ground to prevent the animal from digging out;
 - (3) Provides adequate ventilation and protection from the elements;
 - (4) Exhibits a sign conspicuously posted upon the property and the pen or structure containing the following: "Dangerous Animal - No Trespassing;" and
 - (5) Is constructed to allow the animal to stand normally and without restriction and shall not be less than two hundred (200) square feet.
- (b) When exercising the animal outside of its proper enclosure, the exercise area shall be enclosed by a fence sufficient to prevent the animal from escaping the enclosure by jumping over, going through, or going under the fence.
- (c) When walking the animal in any public or open area, the animal shall be securely leashed in a manner to afford the owner optimum control over the animal with a leash no longer than four feet in length and muzzled with a device sufficient to prevent the biting of persons or other animals.
- (d) No person under the age of 19 shall exercise or walk an animal declared dangerous.

Section 29. Sec. 5-113 *Giving away animals as prizes* is hereby renumbered Sec. 5-111.

Section 30. With the exception of amendments made herein, all other portions of Chapter 5 of the Code of Ordinances, City of Huntsville, Alabama shall remain in full force and effect.

Section 31. The severability provisions of section 1-8 of the Code of Ordinances, City of Huntsville, Alabama shall apply to this ordinance.

Section 32. This ordinance shall become effective upon its adoption and approval.

ADOPTED on this the ____ day of _____, 2018.

President of the City Council of

the City of Huntsville, Alabama

APPROVED on this the _____ day of _____, 2018.

Mayor of the City of Huntsville,
Alabama