CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 2/13/2014

Action Requested By:
Animal Services

Agenda Item Type
Ordinance

Subject Matter:

Amendment to Sections 5-1; 5-41, 5-73 & 5-74 of the Code of Ordinances pertaining to Animals.

Exact Wording for the Agenda:

Introduction of an Ordinance to amend Article I, Chapter 5, Section 5-1, Division 1, Article II Chapter 5, Sections 5-41; 5-73 and 5-74 of the Code of Ordinances of the City of Huntsville due to new wording, changes in adoption and redemption rules and regulations for Animals.

Note: If amendment, please state title and number of the original

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

This action is requested due to new wording, changes in adoption and redemption rules and regulations.

Associated Cost: n/a

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Karen Hi Ann Date: 2.10.14

revised 3/12/2012

ORDINANCE NO. 14-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. Article I, IN GENERAL of Chapter 5 - ANIMALS, of the Code of Ordinances, City of Huntsville, Alabama, as adopted and approved on the 24th day of April, 2003, be and the same is hereby amended as follows:

Sec. 5-1. - 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:

Alteration (Spay, neuter, sterilize, "fix") means surgical removal by a licensed veterinarian such that the animal can no longer reproduce offspring. *Proof of sterilization* for the purpose of this ordinance shall be by letter certificate signed by a state licensed veterinarian that describes the pet by name, description, breed, color, age, gender, and owners name or may be established by physical examination by the Director of animal services.

Animal means any organism of the kingdom Animalia other than a human being, especially a mammal, fish, bird or reptile.

Animal control center means the place designated or used as such by the city for a place of confinement for animals held under the authority of this chapter.

Animal control officers means the director and all enforcement officers assigned to the animal control center.

At large means any animal off the property of its owner or person in charge and not carried by such person, or kept in effective enclosure, or under control by means of a leash, or any animal on the real property of its owner or person in charge not under restraint.

Bird means any warm-blooded vertebrate of the class Aves that has a body covered with feathers and forelimbs modified into wings.

Bitten means seized with the teeth or claws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced, and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.

Cage means an enclosed structure that confines animals and restricts access of other animals.

Caged means confined in a cage, which may include a vehicle, in such a way that the free movement of any animal is restricted so that the caged animal is prevented from biting or attacking a person or animal.

Canine corps dogs means those members of the canine family maintained by governmental agencies for exclusive use in official duties assigned to those agencies. Seeing Eye Dogs shall be included within the meaning of this definition.

Cat means any member of the domestic feline family, three months of age or older.

Cattery means an establishment or structure used for harboring, raising or boarding more than three cats that are more than six months old.

Corral means any uncovered, enclosed parcel of land in which animals, typically horses or cattle, are kept.

Director means the director of the department of animal services.

Dog means any member of the domestic canine family three months of age or older.

Dog presumed to be vicious means any dog 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.

Exotic means an animal which would ordinarily be confined to a zoo, or one which would ordinarily be found in a wilderness of this or any other country; or a species of animal not indigenous to the United States or to North America or which causes zoonotic diseases or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm, the latter including but not limited to raccoons, bobcats, coyotes, wolves, hybrid wolves, Vietnamese potbellied pigs, monkeys and other such animals. Wild or exotic animals specifically include all species of reptiles but do not include animals of a species customarily used in the state as ordinary household pets; animals of a species customarily used the state as domestic farm animals, fish confined in an aquarium, birds or insects.

Fowl means a domestic bird used in the market or household for food consumption, such as a chicken, duck, goose, guinea, peafowl, turkey, pheasant, pigeon or other avian species.

Has been exposed means seized with the teeth or claws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.

Health department means the county department of public health.

Horse means any member of the equine family.

Humane means characterized by tenderness, compassion and sympathy for animals.

Humane trap means an enclosure in which an animal can be caught without causing injury, pain or undue suffering to the animal after being caught.

Immunization against rabies means the injection, in a manner approved by the state health officer and the state veterinarian, of antirabies vaccine approved by the state health officer and the state veterinarian. The administration of antirabies vaccine to species other than those for which reliable immunization data is available shall be a violation of Code of Ala. 1975, tit. 3, Ch. 7A (Code of Ala. 1975, § 3-7A-1 et seq.).

Keep means confine, harbor and allow to remain.

Kennel means an establishment or structure used for harboring, raising, training or boarding more than three dogs that are more than six months old.

Kitten means any member of the domestic feline family less than three months of age.

Nuisance animal means an animal that threatens the safety of or damages a member of the general public or interferes with the ordinary use and enjoyment of another's property.

Owner means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by him.

Pen means an enclosure for housing and feeding small animals.

Person in charge means any person in whose charge the animal is being kept, and all the responsible adult members of the household in which an animal is kept or allowed or suffered to remain.

Public nuisance means any animal, or any condition resulting from an animal, that unreasonably annoys human beings, endangers the life or health of other animals or persons, or substantially interferes

with the rights of citizens, other than its owners, to enjoyment of life or property.

Puppy means any member of the domestic canine family less than three months of age.

Quarantine for rabies observation means 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, or as otherwise directed by the health officer.

Rabies officer means a licensed veterinarian duly appointed by the county board of health and approved by the state health officer and state veterinarian.

Reptile means any cold-blooded vertebrate of the class reptilian that has a body covered with scales. This includes, but is not limited to, the families of snakes, lizards, chelonians, crocodilians and Tuataria.

Restraint off premises means restrained by means of a leash or humane restraining device.

Restraint on premises means confined within the property limits of its owner or person in charge by a suitable fence or securely restrained within the premises by a leash or humane restraining device affixed to a securely fixed object.

Restraint off premises means restrained by means of a leash or humane restraining device.

Run means an enclosed structure that confines animals and restricts access to or from other animals.

Shelter for outdoor dog means a shelter with a roof, enclosed sides, a doorway and a solid floor that provides protection from the elements.

Stable means a building for the lodging and feeding of horses, cattle, etc.

Stray animal means any animal running at large, the owner or person in charge of which is unknown.

Swine means any member of the porcine family.

Vicious animal means 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 has been trained as a guard dog, or otherwise, to attack persons or domestic animals.

Wild animal means the same as "exotic animal".

Section 2. Article II of Division I, DOGS AND CATS of Chapter 5 – ANIMALS, Section 5-41 of the Code of Ordinances, City of Huntsville, Alabama, as adopted and approved on the 24th day of April, 2003, be and the same is hereby amended as follows:

"(a) The owner or person in charge of any dog and/or cat which is more than four months of age and resides in the city shall annually register the dog and/or cat as to sex, breed, description, name and address of the owner or person in charge, and name of the dog and/or cat if any. At the time of such registration, such owner or person in charge shall, upon providing proof of a valid rabies vaccination, obtain a license for such dog and/or cat and shall pay a license tax or fee as follows:

(1) Spayed or neutered: $5.00 if registered in 2004 and $10.00 if registered in 2005 or thereafter;
(2) Unspayed or unneutered: $50.00 if registered in October 2010 or thereafter; or

However, when a license is issued for a dog or cat too young to be subjected to alteration because it is less than six 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 the alteration, the director may issue a license at no charge for the following license year period only.

(b) An owner or person in charge of a dog and/or cat, upon providing proof that the animal meets the criteria provided in subsection (a) and also that the animal has been sterilized, may choose to purchase a life-time license rather than the annual license required under subsection (a). The life-time license tax or fee shall be as follows:

(1) Spayed or neutered: $20.00, if registered in 2004 and $35.00 if registered in 2005 or thereafter;
(2) Unspayed or unneutered: Not available; exception that an unspayed or unneutered annual license may be converted to a lifetime license within one (1) year of license purchase upon proof of alteration.

(c) An owner or person in charge of a dog and/or cat, upon providing proof that the animal meets the criteria provided in subsection (a) and also that the animal has been sterilized may be eligible for a life-time license provided the owner or person in charge shows proof of an annual income of $25,000 or less or participation in such programs as Medicaid, Social Security Disability or Supplemental Nutrition Assistance Program.

(d) Upon the written recommendation of a licensed veterinarian, a waiver may be granted to the spay or neuter requirement when it is determined that age or health reasons may be reason for exemption. In

those cases, the fee appearing in subsection (a)(1) above will be charged.

(e) Proof of alteration (spaying or neutering) may be accomplished by providing a proof of sterilization letter or certificate signed by a state licensed veterinarian which describes the pet by name, description, breed, color, age, gender and owner name. Otherwise, alteration may be determined by the director upon physical examination of the animal."

Section 3. Article II of Division I, DOGS AND CATS of Chapter 5 – ANIMALS, Section 5-73 of the Code of Ordinances, City of Huntsville, Alabama, as adopted and approved on the 24th day of April, 2003, be and the same is hereby amended 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 Section 5-74 to the director provided such owner or person in charge entitled to recover possession of any dog or cat three months of age or older shall produce a certificate or evidence satisfactory to the director that such dog or cat has, within 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 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 must be paid for the 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 shall be delivered by Animal Services 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 Section 5-74. This option shall be available to the owner or person in charge upon the first and second impoundments of the same animal. Upon a third impoundment of the same animal, sterilization of that animal 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 the animal control center without authority to do so.

(c) The shall be unlawful for any employee of the animal control center 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 the animal control center prior it is impoundment.

(d) Prior to the adoption of an animal from the animal control center, the adoption application must be completed. Based on the information provided on the application, 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.

(e) Upon approval to adopt an animal from the animal control center, the adoption agreement must be signed. Failure to agree to the terms of the adoption agreement shall be grounds for disqualification.

(f) Upon the adoption of any animal from the animal control center, the adopter shall deposit the amount of money required for a rabies vaccination and city license, and a deposit for sterilization (spaying or neutering), if applicable as established by the director. The sterilization deposit will be refunded if requested upon presentation of proof of sterilization prior to adoption.

(g) Animals must be sterilized in accordance with the terms of the adoption agreement.

(h) It shall be unlawful or 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 proved by Section 5-5."

Section 4. Article II of Division I, DOGS AND CATS of Chapter 5 – ANIMALS, Section 5-74 of the Code of Ordinances, City of Huntsville, Alabama, as adopted and approved on the 24th day of April, 2003, be and the same is hereby amended as follows:

"(a) The city shall charge and collect fees from owners who redeem their animals or persons seeking to adopt abandoned animals. The director of the animal control center shall have the authority to establish a fee schedule entitled "Fee Schedule for Animal Control Center" for the following categories:

(1) Impounding: dog or cat;
(2) Boarding: all animals, per day;
(3) Adoption: dog or cat;
(4) Adoption: pocket pets, reptiles or birds;
(5) Veterinary services: such as heartworm checks, feline leukemia checks, microchip placement, etc.
(4) Special fees: such as pickup, replacement tags, dead animal pickup, disposal, etc.

(b) The fee schedule shall be reviewed annually, and any recommended changes shall be approved by the City Council.

(c) The fee schedule will not include applicable charges for any license or rabies vaccination that is required by this article or other applicable law.

(d) Animals may not be adopted by original owners or their immediate family members so as to avoid paying a violation fine or redemption fee."

Section 5. Except as modified herein, all other sections of Article II of Chapter 5 shall remain in full force and effect.

Section 6. This ordinance shall become effective upon its adoption and publication.

ADOPTED on this the _____ day of February, 2014.

_____
President of the City Council of
the City of Huntsville, Alabama

APPROVED on this the _____ day of February, 2014.

_____
Mayor of the City of Huntsville,
Alabama