

NEW

ORDINANCE NO. 01-3664

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

Section 1. That Section 4-4 of the *CODE OF DECATUR, ALABAMA*, is hereby amended to read as follows:

“Section 4-4. When a dog or puppy is found by an animal control officer to be off its premises in violation of Section 4-2 of this Code and the owner or person in charge is determined by the director or animal control officer, he or she may issue a written warning to the owner or person in charge for said violation. If within twelve (12) months subsequent to the first violation, the owner or person in charge violates Section 4-2 again, the director or an animal control officer will consider this a first offense and will issue a citation requiring the payment of a \$25.00 fine without court costs, payable in municipal court. Any subsequent violation by the same owner or person in charge regarding Section 4-2 will require the issuance of a citation requiring a court appearance. Failure to appear may result in the person being held in contempt of court. There will also be a \$40.00 charge if said dog or puppy is picked up after scheduled work hours to cover overtime cost.

These charges and fines will be in addition to any redemption charges, rabies charges and any other charges.”

Section 2. That Section 4-8 of the *CODE OF DECATUR, ALABAMA*, is hereby amended to read as follows:

“Section 4-8. For the purposes of this article, words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Words and terms for the purposes of this article are defined as follows:

**Animal Control Officers:** The Director and all enforcement officers assigned to the Animal Shelter.

**At Large:** Any animal off the property of its owner or person-in-charge and not carried by such person, or kept in an effective enclosure, or under control by means of a leash, cord, chain or other restraint sufficient to physically control said dog or puppy at all times.

**Cat:** Any member of the domestic feline family, three (3) months of age or older.

**Dog:** Any member of the domestic canine family, three (3) months of age or older.

**Kitten.** Any member of the domestic feline family, less than three (3) months of age.

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

**Person:** Any individual, partnership, company, corporation or other legal entity. When appropriate, these terms shall mean the singular, plural, masculine, feminine and neuter.

**Person-In-Charge:** Any person in whose charge the animal is being kept, and all the responsible members, age 19 or older, of the household in which an animal is kept or allowed or suffered to remain.

**Puppy:** Any member of the domestic canine family, less than three (3) months of age.

**Restraint On Premises:** A puppy or dog is considered to be under restraint if it is confined within the property limits of its owner or person-in-charge by a suitable fence or is securely restrained within the premises by a leash or humane restraining device affixed to a securely fixed object.

**Restraint Off Premises:** A puppy or dog is considered to be under sufficient restraint off the premises of its owner or person-in-charge, if under the control of a competent person either by leash, cord, chain or other restraint sufficient to physically control said puppy or dog at all times.”

Section 3. That the *CODE OF DECATUR, ALABAMA*, is hereby amended by adding an Article to be numbered ARTICLE III of Chapter 4, which said article reads as follows:

### “ARTICLE III, ADOPTION OF ANIMALS

#### Section 4-40.

(a) Prior to the adoption of an animal from the Animal Shelter the city approved adoption agreement must be completed. The Director or his representative has the right to deny the request to adopt an animal if he or she feels that the person is unable to provide a suitable home to care for the animal properly and prevent it from becoming a nuisance.

(b) Upon approval to adopt an animal from the Animal Shelter, the adoption agreement must be signed. Failure to agree to the terms of the adoption agreement shall be grounds for disqualification of that person to adopt an animal.

(c) Upon the adoption of any animal from the Animal Shelter, the person adopting the animal shall deposit the amount of money required for a rabies vaccination, adoption fee 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.

(d) Animals must be sterilized in accordance with the terms of the adoption agreement. There is a no excuse policy on spay and neuter. Any person adopting the animal who cannot timely produce proof the animal was sterilized or produce a death certificate on the animal from a veterinarian or does not bring the animal in question back to the shelter is in violation of this section.

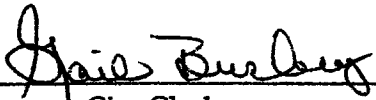
(e) It shall be unlawful for any person to fail to comply with the provisions of this section. Any person determined to be in violation of this section shall be subject to a One Hundred Dollar (\$100) fine, plus court costs.

(f) The Director or his representative has the right to waive the adoption and sterilization fee for a legitimate rescue organization that is affiliated with AKC and has veterinarian references. The organization must fill out any required form requested by the Director to be placed in a file at the shelter. Only a charge for a rabies vaccination will be charged, if approved by the director or his representative.”

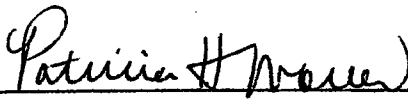
Section 4. This Ordinance shall take effect on September 1, 2001.

Adopted this 10<sup>th</sup> day of August 2001.

Attest:

  
City Clerk

Approved this 8<sup>th</sup> day of August, 2001.

  
Mayor