

AN ORDINANCE TO ESTABLISH STANDARDS OF CARE AND GUIDELINES FOR THE  
CARE OF ANIMALS AT HUNTSVILLE ANIMAL SERVICES TO BE KNOWN  
AS THE HUNTSVILLE ANIMAL PROTECTION ACT

WHEREAS, Huntsville Animal Services provides care and services for stray, abandoned, abused, and owner surrendered animals for the City of Huntsville and for Madison County, Alabama (with the exception of the City of Madison, Alabama), and,

WHEREAS, it has been determined that there is a need to establish standards and guidelines for the care of such animals at Huntsville Animal Services in order to preserve the accomplishments and legacy of current city leaders,

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

Sec. 1. Definitions.

- (a) Animal Shelter. The term "animal shelter" means Huntsville Animal Services.
- (b) Veterinarian. The term "veterinarian" means a veterinarian licensed to practice veterinary medicine in this State.
- (c) Shelter Director. The term "shelter director" means the Director of Huntsville Animal Services.
- (d) Rescue Organization. The term "rescue organization" means an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals as described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code.
- (e) Rescuer. The term "rescuer" means an individual who is not designated as a section 501(c)(3) organization, but who has been pre-screened by the Animal Shelter director as being authorized to pull animals from the Animal Shelter for the purpose of rehabilitating those animals and placing them into adoptive homes.
- (f) Irremediable Suffering. The term "irremediable suffering" means an animal who has a poor or grave prognosis for being able to live without severe, unremitting physical pain even with prompt, necessary, and comprehensive veterinary care, as certified in writing by a licensed veterinarian.

## Sec. 2. Animal Shelter Holding Periods.

(a) No animal shall be euthanized at the animal shelter prior to the expiration of seven full business days from impoundment of the animal, not including the date of impoundment, except as follows:

(1) Subsection (a) does not apply to an animal who is irremediably suffering.

(b) An animal impounded as a stray with identification or whose owner has been identified shall be made available for owner reclamation for a period of seven business days, not including the date of impoundment.

(c) An animal impounded as a stray without identification and whose owner has not been identified shall be made available for owner reclamation for a period of seven business days, not including the date of impoundment.

(d) At any time, an animal impounded as a stray may be placed in foster care or transferred to an animal rescue organization, other shelter or rescuer, subject to the following:

(1) An animal transferred under this subsection remains subject to reclamation by its owner pursuant to Subsection (b) and (c).

(2) Documentation of an animal transferred under this subsection, including a photograph of the animal and relevant information pertaining to the animal's impoundment and transfer, shall be maintained in physical form at Huntsville Animal Services and in electronic form on a website so that it is reviewable by the public during the time period relevant under Subsection (b) and (c).

(3) An owner that satisfies the animal shelter reclaim requirements during the time period relevant under Subsection (b) and (c) is entitled to reclaim the animal even if the animal has been transferred pursuant to Subsection (d) and is no longer physically in the animal shelter's custody. At the owner's discretion, the owner has the right to physically redeem the animal at Huntsville Animal Services.

(e) The holding periods mandated by this Section do not apply to an animal that is impounded solely for the purpose of sterilization.

(f) Not less than two business days before the euthanasia of any animal, the animal shelter shall:

- (1) Notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization or rescuer that has previously requested to be notified before animals are euthanized;
- (2) Unless there is evidence of neglect or animal cruelty as certified in writing by a veterinarian or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the owner who surrendered the animal and inform that person that the animal is scheduled to be killed;
- (3) Notify or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be killed;
- (4) Give those notified under Subsections (f)(1), (2), and (3) possession of the animal to avoid the animal's death if they request it.

(g) The animal shelter may not euthanize any animal without making the notification required by Subsections (f)(1), (2), and (3).

### Sec. 3. Animal Care.

(a) The animal shelter shall provide all animals during the entirety of their shelter stay with fresh, nutritious, species and age appropriate food, access to fresh, clean water at all times, and environmental enrichment to promote their psychological well-being such as socialization, toys and treats, and exercise as needed, but not less than twice daily; except as follows:

- (1) Dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may be, but are not required to be, exercised during the holding period.

(b) Notwithstanding Subsection (a), the animal shelter shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened animals, geriatric animals, or animals needing therapeutic exercise. During times when the shelter director is a licensed veterinarian, this protocol will be developed by the shelter director.

(c) During the entirety of their shelter stay, animals shall be provided prompt and necessary cleaning of their litter boxes, cages, kennels, and other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals not be exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics.

#### Sec. 4. General Provisions.

(a) The animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible, but no more than 24 hours, after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses. This check will be performed again prior to the euthanization of any animal to ensure that all steps have been taken to ensure the owner of the animal has been identified.

(b) The animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly, but no less than once daily, check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the shelter website with sufficient detail to allow the animal to be recognized and claimed by its owner.

(c) If a possible owner is identified, the animal shelter shall undertake due diligence to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts shall include, but are not limited to, notifying the possible owner by telephone, mail, and personal service to the last known address.

(d) The animal shelter shall not ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on the animal's breed, breed mix, species, age, color, appearance, or size.

(e) The "live release rate" at Huntsville Animal Services shall not fall below 90% in any 12-month calendar year period for both dogs and cats. Said rate shall be calculated with the number of live animals being returned to owners, adopted, released to rescue organizations or otherwise transferred being the numerator and the number of live animals impounded being the denominator.

(f) Should the live release rate fall below 90% for either dogs or cats in any 12-month calendar year period, the shelter director will document the basis for that fact in a written report which attests that no healthy or treatable animals were destroyed and that only those animals who were suffering, irremediably ill or who constituted a genuine public safety threat were destroyed. The written report will be completed by February 1st of the following calendar year and will be made available to the public upon request for no fee.

(g) The animal shelter shall report to the City Council and make available by publication on the animal shelter website an annual summary which includes the following information separated by species/type:

- (1) The number of animals impounded during the previous calendar year;
- (2) The number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) The number of animals who died, were lost, or were stolen while in the direct or constructive care during the previous calendar year;
- (4) The number of animals who were returned to their owners during the previous calendar year;
- (5) The number of animals who were adopted during the previous calendar year;
- (6) The number of animals who were transferred to other organizations during the previous calendar year;
- (7) The number of animals who were sterilized and then released during the previous calendar year;
- (8) The number of animals who were on hand at the start of the year;
- (9) The number of animals who were on hand at the end of the year.

(h) The annual summary required by Subsection (g) shall be completed and reported by February 1st of the following calendar year.

(i) The animal shelter shall report to the City Council and make available by publication on the animal shelter website a monthly summary which includes the following information by species/type:

- (1) The number of animals impounded during the previous calendar month;
- (2) The number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar month;
- (3) The number of animals who died were lost, and/or were stolen while in the direct or constructive care during the previous calendar month;

- (4) The number of animals who were returned to their owners during the previous calendar month;
- (5) The number of animals who were adopted during the previous calendar month;
- (6) The number of animals who were transferred to other organizations during the previous calendar month;
- (7) The number of animals who were sterilized and then released during the previous calendar month;
- (8) The number of animals who were on hand at the start of the month;
- (9) The number of animals who were on hand at the end of the month.

(j) The monthly summary required by Subsection (h) shall be completed and reported by the last business day of the following month.

(k) No animal will be sold or transferred, with or without consideration, to any person, hospital, educational, private, or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research, study, or experimentation of any kind.

#### Sec. 5. Euthanasia.

(a) The animal shelter shall not euthanize any animal simply because the holding periods required by Section 2 have expired. Before an animal is euthanized, all of the following conditions must be met:

- (1) There are no empty cages, kennels, or other living environments in the shelter;
- (2) The animal cannot share a cage or kennel with another animal;
- (2) The shelter has made a plea to foster homes and a foster home is not available;
- (4) The notifications required in Section 2 have been made and neither a rescue group, the former owner, or the finder is willing to accept the animal;
- (5) The animal cannot be transferred to another shelter with room to house the animal;

- (6) The animal is not a healthy community cat (healthy community cats shall be sterilized and returned to their habitats in lieu of killing);
- (7) The animal has been determined to be medically untreatable, or in the best interest of the animal due to medical prognosis, by a veterinarian or a dog is determined to be vicious to people and the prognosis for rehabilitation is determined to be poor to grave;
- (8) All mandates, programs, and services of this Act have been met; and,
- (9) The director of the animal shelter certifies that he or she has no other alternative and the reasons no alternatives exist.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the animal shelter, and be made available for free public inspection for no less than three years.