

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, the duly elected leaders of the City of Huntsville and the leadership of Huntsville Animal Services, in coordination with the public, rescue groups and non-profit animal shelters in the region, have engaged in exhaustive efforts to balance public safety with animal welfare toward maximizing the live release rate of all healthy and treatable domestic animals received into HAS care while providing those animals with care that meets modern standards for shelter medicine in a timely manner, and,

WHEREAS, it has been determined that there is a need to establish further standards and guidelines for the care of such animals at Huntsville Animal Services in order to preserve these accomplishments and ensure the legacy of the City of Huntsville and its duly elected leaders so a time does not come when the current standards of the City are relaxed, allowing Huntsville Animal Services to return to a time in history when maximizing the live release rate was not the focus of the animal shelter operation and animals were routinely destroyed regardless of health status.

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, and Ordinance 18-952, Substitute A, as adopted and approved on November 1, 2018, are hereby amended to read as follows:

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

***Behavior dog*** means a dog impounded at HAS which is being considered for euthanasia due to the dog's behavior history prior to entering the shelter or the dog's behavior once inside the shelter which causes the dog to be considered a potential public safety risk.

***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.

Sec. 2. Section 5-72(b) of the Code shall be amended to read as follows:

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. *The reasonable efforts will include, but not be limited to, contact by telephone, contact by email and by sending a letter to the last known address.* 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 30 days to update the microchip with correct identification information. *The scan for a microchip and check for tags, tattoos or other identifying information 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.*

Sec. 3. Section 5-75 of the Code shall be amended as follows.

Section 5-75. *Euthanasia.* ~~When disposal may take place.~~

(a)(e) 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 who has determined that such destruction is necessary to prevent irremediable suffering, to prevent the spread of disease, or because the animal is incurable.

(b) The director, or any HAS officer authorized by the director to carry a firearm, assisting in impounding any dog ~~or cat~~ shall have the authority to shoot and kill such dog ~~or cat~~ if in attempting to capture the dog ~~or cat~~ or in otherwise keeping the dog ~~or cat~~, it shall become an immediate risk of severe injury to a person ~~an immediate hazard to the safety of the person or to the safety of persons or animals~~ in the immediate vicinity.

(c)(a) Except as set forth in section 5-18 and subsection 5-75(c), after a dog or cat has been confined for at least five 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 fails to obtain a fee waiver* or if such satisfactory evidence as required by section 5-73 was not provided, or if ownership is not transferred by the city in accordance with section 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 *as long as the provisions of sections 5-75(d) through (f) are met, 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.*

(d) *Fee Waivers.*

- (1) *The City Administrator or Director must waive a fee assessed against an owner reclaiming an impounded animal if:*
  - (a) *HAS intends to destroy the animal; and*
  - (b) *The owner presents a written statement of inability to pay; or*
  - (c) *The animal is sterile or the owner agrees to sterilize the animal.*
- (2) *The Director must not assess a fee to a rescue organization for accepting the transfer of an impounded animal.*
- (3) *The Director may implement fee-waived adoption promotions.*

(e) *Euthanasia Notification. 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, 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 euthanized;*
- (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 euthanized;*
- (4) *Give those notified under Subsections (d)(1)(a), (b), and (c) possession of the animal to avoid the animal's death if they request it.*

(f) *Euthanasia Alternative Considerations. The animal shelter shall not euthanize any animal simply because the holding periods required by Sections 5-18 and 5-72 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;*

- (3) *The shelter has made a plea to foster homes and a foster home is not available;*
  - (4) *The notifications required in Section (d)(1)(a) through (c) 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;*
  - (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 as determined under the provisions of Section 5-75(f);*
  - (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.*
- (g) *Behavior Euthanasia.*
- (1) *Only dogs who have caused serious physical injury to a person or animal (as defined in Section 5-1 of this Act) should be considered for behavior euthanasia. As such, shy dogs, fearful dogs, high energy dogs with barrier behaviors, dogs with separation anxiety, resource guarding or similar issues are excluded from behavior euthanasia.*
  - (2) *A thorough physical examination will be conducted by a veterinarian on any behavior dog (as defined in Section 5-1 of this Act) to rule out a medical cause for the behavior.*
  - (3) *Dogs with demonstrated behavior issues are considered critical cases who must be worked with as if they have a serious medical condition giving consideration to individual circumstances with no assumed outcomes. A critical care case will be opened for any dog being considered for behavior euthanasia for which there is no medical cause for the behavior.*
  - (4) *Because behaviors often considered aggressive are directly the result of stress and confinement in the shelter building, all dogs considered to have behavior issues will be sent to a skilled and trained foster home for both*

*assessment and rehabilitation or provided in shelter training before euthanasia may be considered.*

- (5) *Absent the availability of a skilled and trained foster home, alternatives to death should always be considered and employed including rehabilitation, rescue placement and sanctuary placement.*
- (6) *Behavior evaluations conducted inside the shelter have little to no utility or predictive validity regarding future behavior outside of the shelter. Trained staff should evaluate behavior of dogs thought to have behavior issues in play groups, in foster care, in other situations outside of the shelter building (i.e. walking, individual play) and in consideration of the dog's history. A behavior dog's inability to interact with dogs in a play group will not be the sole reason to euthanize a dog for behavior. Observations about the dog's behavior including, but not limited to the methods listed above will be documented in the critical care case.*
- (7) *The critical care case of each dog being considered for behavior euthanasia will be assigned to a staff member to confirm the circumstances of any bite or incident leading to the euthanasia consideration. The staff member will review incident reports, kennel cards, evaluation notes and any other records used to document the case and will interview all parties to the incident(s), documenting the findings of the interview.*
- (8) *A volunteer, rescuer or staff advocate who is familiar with the behavior dog will act as an advocate for each critical care case dog being considered for behavior euthanasia to seek alternatives to euthanasia and find safe placement.*
- (9) *Staff and volunteers shall be notified of all dogs for which a critical care case has been opened and will have the right to petition for a critical care case dog, with proposed solutions, to the Executive Director.*
- (10) *Case materials related to the entire critical care case evaluation process, review and determination must be transparent and will be made available for public review upon request with names of any citizens (but not shelter staff or volunteers) redacted for the sake of privacy and at no cost to the public.*
- (11) *Dogs under review for behavior euthanasia will be mentally and physically exercised so that they do not deteriorate in the shelter, resulting in a self-fulfilling prophecy of dangerous behavior. These dogs will be available for viewing and evaluation by trained volunteers, rescuers and staff to maximize opportunities for advocacy and safe placement.*

(12) *No one member of the shelter staff will make the decision to destroy a dog for behavior.*

(13) *The Director will be directly involved in the behavior euthanasia decision-making process. He or she must meet with and interact with any dog being considered for behavior euthanasia and review critical care case materials. This responsibility cannot be delegated to subordinates.*

(h) *The determination that all conditions of Section 5-75(d)(e) and if appropriate (f) 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.*

Sec. 4. Section 5-72 of the Code shall be amended to add subsection (j) to read as follows.

(j) *Animal Care.*

(1) *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: 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.*

(2) *Notwithstanding Subsection (1), the animal shelter shall develop and follow, in consultation with a licensed veterinarian, 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.*

(3) *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 by a licensed veterinarian, and shall require that animals not be exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.*

- (4) *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. 5. Section 5-71 of the code will be added and will state as follows:

Section 5-71. General Provisions.

(a) *Part of the mission of HAS is to provide a safety net of care for lost, homeless, or otherwise needy animals in Huntsville and Madison County (excluding the City of Madison). If a resident of Huntsville or Madison County (excluding the City of Madison) finds a stray dog in the jurisdiction of HAS and the person is unable or unwilling to care for the dog until an owner is located, the finder shall not be told to release the dog to the streets and will be instructed on how to bring the dog to the HAS. If the person is unable or unwilling to bring the animal in, an employee or volunteer of HAS shall pick up the dog within a reasonable period of time, seven days a week during business hours, not to exceed two (2) hours. If the animal is injured or reported as aggressive, HAS shall pick up the dog, 24 hours per day and seven days per week, within a reasonable period of time, not to exceed two (2) hours.*

(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 mail 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 (calculated separately). 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 (including live animals surrendered by the owner for euthanasia).*

*(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 (1) explains the basis for the failure to meet the 90% live release rate; (2) attests that no healthy or treatable animals were destroyed; and (3) 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 March 1st of the following calendar year and will be made available to the public upon request for no fee.*