

# **CITY OF DAPHNE ORDINANCE NO. 2007- 27**

---

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-11 WHICH  
REGULATED THE KEEPING OF DOGS, CATS,  
DOMESTICATED ANIMALS, LIVESTOCK OR FOWL WITHIN THE  
CITY OF DAPHNE, ALABAMA AND AN ORDINANCE ESTABLISHING  
POLICY AND PROCEDURE FOR  
ABANDONED DOGS AND CATS PRIOR TO ADOPTION**

---

**WHEREAS**, on the 20<sup>th</sup> day of October, 2003, the City Council of the City of Daphne passed Ordinance No. 2003-11 which, among other things, established policy and procedure for the keeping of dogs, cats, domesticated animals, livestock or fowl within the City of Daphne, and

**WHEREAS**, the Mayor and City Council recognize the importance of promoting the health, safety and welfare of its citizens in regulating the keeping of domesticated pets, and providing for their sterilization when adopted, as required by law, and

**WHEREAS**, the Mayor and City Council desire to amend Ordinance No. 2003-11 regarding the treatment and outdoor housing of domesticated animals and the penalties for improper restraint of domesticated animals and to establish policies and procedures for the sterilization of adopted domesticated dogs and cats through the Baldwin Animal Rescue Center (BARC).

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:**

**SECTION I:** That Paragraph A of Section X of Ordinance No. 2003-11 is hereby repealed and replaced with the following:

**A. ADOPTION OR HUMANE DESTRUCTION**

In the event any impounded dog, cat or domesticated animal is not redeemed within ten (10) days after the same is impounded and the dog, cat or domesticated

animal does not bear a current City license, or if after ten (10) days from the time notice is mailed to the owner of dog, cat or domesticated animal which has been impounded, but bears a current City license, the Animal Control Officer may, at such Officer's discretion, place said dog, cat or domesticated animal in a home or turn the dog, cat or domesticated animal over to the Daphne Animal Shelter for adoption, or the Animal Control Officer, at such officer's discretion, may destroy said dog, cat or domesticated animal by lethal injection anytime thereafter. If prior to the expiration of the ten (10) days, the animal is injured or ill, the Animal Control Officer may, in his discretion, destroy the animal in the manner as heretofore described.

**SECTION II:** That the following Paragraph G shall be added to Section X of Ordinance No. 2003-11:

**G. REQUIRED STERILIZATION**

Any person who adopts a sexually mature dog or cat, at least 180 days in age, is required by state law to have the animal properly sterilized. Therefore, for all animals adopted through the Daphne Animal Shelter, the following fees will be collected by the Daphne Animal Shelter prior to the adoption of any dog or cat that is not sterilized and which is not privately owned:

For an unsterilized dog: \$75.00  
For an unsterilized cat: \$50.00

These fees will be deposited with the Baldwin Animal Rescue Center which has agreed to be responsible for the voluntary transport of the required documentation, the payment, and the animal to a licensed veterinarian, the name and location of which shall be given to the adopting party for the retrieval of the animal after sterilization. The adopting party may, at their election, transport the animal to a specified veterinarian, but in any case, the payment and documentation will be delivered to that veterinarian by the Baldwin Animal Rescue Center. Follow-up will be conducted by the Baldwin Animal Rescue Center to determine that the adopting party has complied with the sterilization law. Should it be determined that an adopting party has not complied with the law, which is a misdemeanor offense, referral will then be made by the Baldwin Animal Rescue Center to the proper authorities for enforcement.

This section does not apply to private persons who have evidence of ownership of an animal taken into custody of the Daphne Animal Shelter.

**SECTION III:** That Paragraph D(2) of Section XIV of Ordinance No. 2003-11 is hereby repealed and said paragraph shall hereafter read as follows:

**D. CONDITION OF PREMISES**

2) An owner or person-in-charge of any dog, cat or domesticated animal shall provide adequate shelter from the elements if the animal is kept outside. Adequate food and water shall be made available to the animal. Dogs shall not be kept or maintained on a chain or tether in the city limits of Daphne. Any dog confined with a fenced in yard must have adequate space for exercise based on the dimensions of at least 150 square feet per dog. Such enclosure shall be constructed of chain link or wooden fencing or a similar type material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the animal from escaping from such enclosure and shall meet the requirements of the Alabama Animal Rights Protection Act, Section 13A-11-24(1). At no time may any animal be tied or leashed to an inanimate object, i.e., tree, post, etc.

As an alternative, the owner may use underground "invisible" fencing to meet the requirements of this section in lieu of a chain link or wooden fence. The invisible fencing must be able to properly and humanely restrain the dog on the property. A dog at large is prima facie evidence that the invisible fence did not properly restrain the animal. During power outages, etc., the owner must take other proper measures such as bringing the animal inside to prevent the animal from being at large during power outages.

Owners shall have ninety (90) days from the effective date of this ordinance to come into compliance with its requirements as set out herein.

**SECTION IV:** That Section XXI of Ordinance No. 2003-1 regarding the infraction of "Dog on runner less than 20 feet long" is hereby deleted and replaced with the following:

<u>Infraction</u>	<u>Fine</u>	
Dog on runner instead of fenced enclosure	1 <sup>st</sup> Offense	\$100.00
	2 <sup>nd</sup> Offense	\$250.00
	3 <sup>rd</sup> Offense	\$500.00 and/or 30 days in jail <u>and impoundment of the animal</u>

**SECTION V:** The remainder of Ordinance No. 2003-11 shall remain in full force and effect.

**SECTION VI: SEVERABILITY**

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.

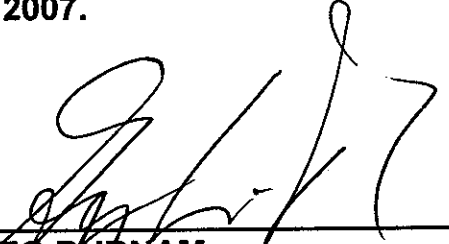
**SECTION VII: REPEALER**

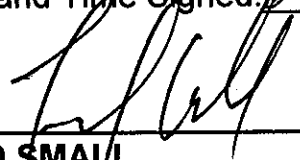
All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

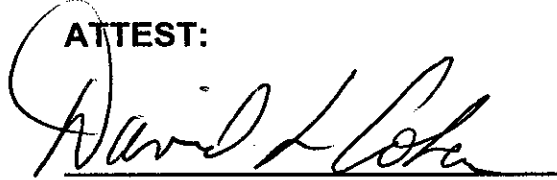
**SECTION VIII: EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
DAPHNE, ALABAMA THIS 4<sup>th</sup> DAY OF June, 2007.

  
\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date and Time Signed: 6-4-07 8:00 P.M.

  
\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Date and Time Signed: 6-4-07 8:00 PM

**ATTEST:**  
  
\_\_\_\_\_  
**DAVID COHEN**  
**CITY CLERK, MMC**