

## ORDINANCE NO. 1522 - 20

AN ORDINANCE PERTAINING TO THE SALE OF DOGS AND CATS WITHIN THE CITY LIMITS OF THE CITY OF MUSCLE SHOALS AND ITS POLICE JURISDICTION

**BE IT ORDAINED** by the City Council of the City Of Muscle Shoals, Alabama that Chapter 14 of the Code of Ordinances, City of Muscle Shoals, Alabama, as amended, is hereby amended to include and add the following Section 14- 120:

### **Sec. 14-120. - Restrictions on the sale of dogs and cats.**

#### (a) Definitions

(1) *Animal rescue organization or agency.* A not-for-profit organization or agency with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with the mission and practice, in whole or in significant part, of rescuing and placing animals in permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.

(2) *Commercial transaction.* An interaction between two or more parties in which any dog, puppy, cat or kitten is exchanged for cash, goods, services or something of value.

(3) *Offer for sale.* To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or exchange through a commercial transaction any dog, cat, kitten, or puppy.

(4) *Pet shop.* A retail establishment, business or store where live animals are sold, exchanged, bartered or offered for sale as pets to the general public. Such definition shall not include an animal shelter or animal rescue organization as defined in this section.

(5) *Pet Supply Store.* A retail establishment, business or store which sells pet food, animal supplies and pet accessories to the general public, and which may also sell, exchange, barter or offer for sale live animals as pets to the general public.

(6) *Animals.* For purposes of this ordinance, any reference herein to animals shall refer to, include and be limited to any dog, cat, kitten or puppy.

(b) A pet shop or pet supply store may offer for sale only those dogs, cats, puppies, and kittens obtained from and in cooperation with an animal shelter or an animal rescue organization or agency as defined in this section.

(c) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall display a label stating the name and address of the organization supplying said animal on the animal's cage.

(d) A pet shop or pet supply store shall not offer for sale a puppy or kitten that is younger than eight weeks old.

(e) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall maintain records for each animal offered for sale. The records shall be maintained for a minimum of 12 (twelve) months after the date of the transaction, and shall be available for inspection by any Muscle Shoals animal control officer, as defined by Section 14-2 of the Muscle Shoals Code of Ordinances. The records shall include the following information for each transaction:

(1) A description and photograph of the animal;

(2) The monetary value of any cash, services, or goods exchanged for the animal;

(3) The name, address and phone number of the organization (animal shelter or animal rescue organization or agency) from which said pet store or pet supply store acquired said animal; and

(4) The name, address and phone number of the new owner of the animal.

(f) This Section 14-120 shall not affect a consumer's ability to obtain a dog, cat, puppy, or kitten of his or her choice directly from a breeder where the consumer can see the conditions in which the dogs or cats are bred, or can confer directly with the breeder concerning those conditions.

(g) The violation of any of the provisions of this Ordinance shall be unlawful and be subject to the penalties for unlawful acts or misdemeanors as set forth in Chapter 1, Section 1-7 Code of Ordinances, City of Muscle Shoals, Alabama.

**BE IT FURTHER ORDAINED** that this Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

**APPROVED and ADOPTED** this the 3rd day of August, 2020.

**COUNCIL OF THE CITY OF MUSCLE  
SHOALS, ALABAMA**

BY: Allen Noles  
**ALLEN NOLES**  
**President of the Council**

**ATTEST:**

Richard L. Williams  
**RICHARD L. WILLIAMS,**  
**City Clerk**

Council Member Sockwell seconded the motion and, upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member McMinn, Council Member Lockhart  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration and been unanimously approved.

Council Member Hall moved that the Ordinance be adopted as presented. Council Member Sockwell seconded the motion and, upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

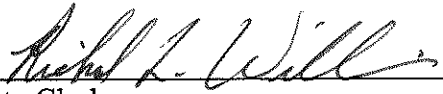
AYES: Council Member Hall, Council Member McMinn, Council Member Lockhart  
Council Member Sockwell, Council Member Noles

NAYS: None


President Noles announced that the Ordinance had been adopted

TRANSMITTAL

I hereby certify that the foregoing Ordinance Number 1522-20 was passed on the 3<sup>rd</sup> day of August, 2020 by the City Council of the City of Muscle Shoals and was transmitted to the Mayor on the 4<sup>th</sup> day of August, 2020 at 4:00 p.m. o'clock.

  
\_\_\_\_\_  
City Clerk

APPROVED on August 5, 2020 at 11:00am o'clock

  
\_\_\_\_\_  
DAVID H. BRADFORD  
Mayor of the City of Muscle Shoals, Alabama

## CERTIFICATE OF POSTING

I, Richard L. Williams, City Clerk for the City of Muscle Shoals, Alabama, hereby certify that the above and foregoing Ordinance was duly and properly adopted by the Council of the City of Muscle Shoals, Alabama at a regular meeting of the said Council held on the 3rd day of August, 2020 at 6:00 o'clock p.m. in said City.

The said Ordinance has been duly and properly published or posted on the 5th day of August, 2020 pursuant to and in compliance with Act. 2011-680 of the Acts of Alabama, by posting a copy of said Ordinance at the Office of the Mayor at City Hall in the City of Muscle Shoals, Alabama; Muscle Shoals Public Library; Muscle Shoals Recreation Building # 1, Gattman Park; and First Metro Bank, Muscle Shoals Branch; being four conspicuous public places lying and being within the City of Muscle Shoals, Alabama, there being no newspaper published and of general circulation in the City of Muscle Shoals, Alabama.

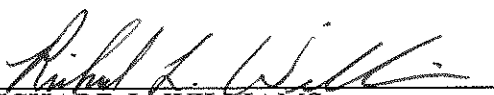
I certify that a copy of the said Ordinance has been posted to the City's website which may be found at

[www.cityofmuscleshoals.com](http://www.cityofmuscleshoals.com)

Reasonable steps will be undertaken to maintain the postings for not less than thirty (30) days.

This 5th day of August, 2020.



  
RICHARD L. WILLIAMS  
City Clerk