

**AN ORDINANCE TO AUTHORIZE THE IMPOUNDMENT OF UNDOMESTICATED CATS WITHIN THE CITY OF MOUNTAIN BROOK, ALABAMA**

**WHEREAS**, the City Council of the City of Mountain Brook finds that:

1. The population of stray, undomesticated, and feral cats within the City of Mountain Brook, Alabama ("City") has increased substantially;
2. Said cats may lack appropriate veterinary care and consequently carry diseases and otherwise represent a threat to the health, safety, and welfare of the community;
3. Measures designed to prevent said cats from roaming at large and to control the population of said cats are in the public interest;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama as follows:

**I. Amendatory (Additional) Provision**

Chapter 3, Article II of the City Code of the City of Mountain Brook is amended by adding thereto the following provision:

Section 3-1.2

- (a) The City of Mountain Brook or its representatives, including the dog warden, animal control officer, or person serving in like capacity, or such persons or firms as may be designated or employed by the city or with whom the city may contract for such purposes, shall have the authority to trap or collect by humane means and impound any cat or member of the feline family that appears to be stray, abandoned, feral, undomesticated, or uncared for based on the behavior or physical condition of the cat, and the absence of any collar, tag, microchip, or other means of identifying the name, address, or telephone number of the owner of the cat.
- (b) If the impounded cat is not redeemed by its owner or placed with a new owner, the city or its representatives shall be authorized to euthanize and/or dispose of the cat in a merciful manner after following the process prescribed by Section 3-17.2 of the Municipal Code.
- (c) The collection, care, and disposition of any impounded cat shall be subject to state law governing such practices, including but not limited to sterilization requirements set forth in Section 3-9-2 of the Code of Alabama (1975).
- (d) If the impounded cat is determined by reasonable means to be infected with rabies, the cat shall be deemed a public nuisance and a danger to the health and safety of the community and shall be euthanized in a merciful manner.
- (e) A cat that is trapped and impounded pursuant to subsection (a) herein may be

released into the general area from which it was trapped subject to the following requirements: the cat is 1) determined by reasonable means to be feral or undomesticated and not suitable for adoption; 2) determined by reasonable means to be healthy and without disease or infection of any kind, including not falling within the purview of subsection (d) herein; 3) sterilized pursuant to the sterilization requirements set forth in Section 3-9-2 of the Code of Alabama (1975) and other state law governing such practices; 4) vaccinated for rabies; and 5) marked with ear tags, a clipped ear, or other means to identify that said cat has been sterilized.

(f) The purpose of this ordinance is to authorize the humane trapping, collection, and sterilization and/or disposal of cats that are reasonably believed not to be owned or under the care of any person and which, by virtue of such status and other indicia, are deemed to represent an actual or potential threat to the health, safety, and welfare of the public. Nothing herein shall be deemed to prevent the City of Mountain Brook and its employees or agents from using reasonable discretion in discharging the functions and activities hereby authorized. Nothing herein shall be interpreted or deemed to create or to impose on the City, its agents, employees, persons, or entities acting on behalf thereof any duty, standard of care, or liability to the public generally or to any member thereof with respect to the collection, care, or disposition of cats impounded under the authority hereof.

## **II. Repealer**

All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

## **III. Severability**

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

## **IV. Effective Date**

This ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED** this 27th day of August 2007.

  
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Virginia Carruthers Smith, Council President

**APPROVED** this 27th day of August 2007.

  
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Lawrence T. Oden, Mayor

## CERTIFICATION

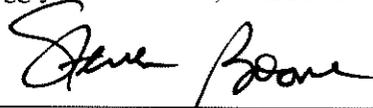
I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on August 27, 2007, as same appears in the minutes of record of said meeting, and published by posting copies thereof on August ~~27~~<sup>28</sup>, 2007, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street

Gilchrist Pharmacy, 2850 Cahaba Road  
The Invitation Place, 3150 Overton Road

Joe Muggs Newsstand, 2037 Cahaba Road

Piggly Wiggly Food Store 4, 93 Euclid Avenue



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Steven Boone, City Clerk