

MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 22, 2022

The Council of the City of Mobile, Alabama, met in the City Council's Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, November 22, 2022, at 9:00 a.m.

Councilmembers:

Present: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Absent:

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 22, 2022

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Wednesday, November 22, 2022, at 10:30 a.m., for the regular meeting.

The meeting was called to order by City Clerk, Lisa C. Lambert.

Pastor Tamika Pharr, Rebirth Apostolic Ministry, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Councilmember Penn asked for a Moment of Silence for Robin Hamlin, wife of the owner of the Dew Drop Inn restaurant, who lost her life yesterday.

Present on Roll Call:

Chairman: Small
Councilmembers: Penn, Carroll, Reynolds, Jones, and Gregory
Absent: Daves

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council's rules of procedure.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson congratulated the Mobile Parks & Recreation Department for a job well done on the "Lighting of the Tree" in Mardi Gras Park on Friday night.

Mayor Stimpson informed citizens that the holiday calendar of events is listed on the City's website.

Mayor Stimpson reminded citizens that the Iron Bowl Block Party will be on November 26, 2022, at the intersection of Dauphin Street and Lawrence Street at 12:20 p.m.

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Mayor Stimpson announced that the Office of Supplier Diversity will be hosting an “Outdoor Holiday Market” for small business on Saturday November 26, 2022, at Cathedral Square from 12:00 p.m. to 4:00 p.m.

Mayor Stimpson congratulated the Mobile Museum of Art on receiving an accreditation from the American Alliance of Museums.

Chief Jeremy Lami, Mobile Fire and Rescue Department, presented Firefighter of the Month to Fire Service Captain Jackson R. Norton.

Chief Paul Prine, Mobile Police Department, presented Officer of the Month to Officer Michael McGuire.

ADOPTION OF THE AGENDA:

Councilmember Small moved to adopt the agenda, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted.

APPEALS:

Request of Bettye Brown for a waiver of the Noise Ordinance at 2607 Berkley Avenue on December 3, 2022, from 12:00 p.m. – 7:00 p.m. (District 1).

Councilmember Carroll moved to grant the waiver, which motion was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Michael Moore, Harvest Church, for a waiver of the Noise Ordinance at Bienville Square on December 23, 2022, from 7:00 p.m. – 9:00 p.m. (District 2).

Councilmember Carroll moved to grant the waiver, which motion was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Yvette Young, Revitalize DIP, for a waiver of the Noise Ordinance at 2900 Gulfdale Drive on December 3, 2022, from 9:00 a.m. – 1:00 p.m. (District 3).

Councilmember Carroll moved to grant the waiver, which motion was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

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Request of Travis Poellenitz, Feed the Streets Alabama, for a waiver of the Noise Ordinance at Public Safety Memorial Park on November 24, 2022, from 1:00 p.m. – 5:00 p.m. (District 5).

Councilmember Carroll moved to grant the waiver, which motion was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER ORDINANCE TO AMEND PROPOSED AMENDMENT TO SECTION 64.3.I, DOWNTOWN DEVELOPMENT DISTRICT, OF THE CURRENT ZONING ORDINANCE, CHAPTER 64 OF THE MOBILE CITY CODE, 1991, AND PROPOSED AMENDMENT TO APPENDIX A, DOWNTOWN DEVELOPMENT CODE, CHAPTER 64 OF THE MOBILE CITY CODE, 2022.

The Presiding Officer announced that today was the day for the public hearing to consider ordinance to amend proposed amendment to Section 64.3.I, Downtown Development District, of the current zoning ordinance, Chapter 64 of the Mobile City Code, 1991, and proposed amendment to appendix a, Downtown Development Code, Chapter 64 of the Mobile City Code, 2022 and asked if there was anyone present to speak for or against this matter.

1. Carol Hunter, 261 Dauphin Street, gave comments in support of this ordinance.
2. Jim Baskins, 509 Eslava Street, offered comments in support of this ordinance.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT THE SOUTH SIDE OF DAUPHIN STREET, 520'+/- EAST OF SAGE AVENUE, EXTENDING TO THE EAST SIDE OF SAGE AVENUE, EXTENDING TO THE WEST TERMINI OF EXTER DRIVE AND SHERWOOD DRIVE, S., FROM LB-2 AND R-3 TO R-3 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at the south side of Dauphin Street, 520'+/- east of Sage Avenue, extending to the east side of Sage Avenue, extending to the west termini of Exter Drive and Sherwood Drive, S., from LB-2 and R-3 to R-3 (District 1) and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 2819 GOVERNMENT BOULEVARD FROM R-1 AND B-2 TO B-2 (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 2819 Government Boulevard from R-1 and B-2 to B-2 and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

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PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 1263 BAKER STREET, FROM R-2 AND I-2 TO I-2 (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 1263 Baker Street, from R-2 and I-2 to I-2 and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

NON-AGENDA ITEMS:

Reggie Hill, 1007 Center Street, requested sponsorship for Chapters 38 & 46 and an itemized overview of a resolution and ordinance he presented last week.

AGENDA ITEMS:

The following people spoke in support of ordinance 01-062:

- Zachary Huey, 516 Polo Trace, Daphne, AL
- Michael Dow, 1012 Palmetto Street
- Mark Maynard, 312 N. Joachim Street
- Dave Riley, a retired Army veteran, 11140 Cricket Hollow

The following people spoke in opposition of ordinance 01-062:

- Sharon Arqiro, 1007 Wesley Avenue
- Cathy Odom, 2520 Cedar Point Road
- Gayle Walton, 5417 Hilltop Drive
- Linh Nguyn-Hoach, 6113 Appaloosa Drive
- Pamela Lee, 6508 Creekwood Court
- Charles Robertson, 5816 Hanging Moss Court
- Pam Maloney, 167 St. Stephens Street

ORDINANCES HELD OVER

ORDINANCE TO DEFINE THE CITY OF MOBILE “CENTRAL BUSINESS DISTRICT”.

The following ordinance which was introduced and read at the regular meeting of September 20, 2022, and held over until the regular meetings of October 11, 2022, November 1, 2022, November 15, 2022, and November 22, 2022, was called up by the Presiding Officer.

ORDINANCE: 01-043-2022

Sponsored by: Councilmember Carroll

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Chapter 1, Article 1 of the Mobile City Code, 1991, is hereby amended to add a new section defining the City’s “Central Business District” as follows:

Sec. 1-10. – Central Business District.

- (a) The “Central Business District” of the City of Mobile is hereby defined and established as follows: That area bounded by Interstate 65 on the North and West, Interstate 10 on the South and East, the Mobile River on the East, and Alternate

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U.S. Highway 90/Bay Bridge Road and Interstate 165 on the North, but excluding any lands within said area not lying within the corporate limits of the City of Mobile.

- (b) The City Council may in its discretion from time to time re-define and re-determine the boundaries of the City's "Central Business District" as circumstances may require.

Miscellaneous.

- (a) Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.
- (c) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (d) (c) This Ordinance shall take effect after its adoption and publication as required by law on the effective date of the Unified Development Code as provided therein in section 64-9-4 thereof.

The ordinance was read by the City Clerk; whereupon Councilmember Carroll moved to table the ordinance, which was seconded by Councilmember Gregory, following comments from Councilmember Carroll the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance tabled.

AMEND CHAPTER 7 OF THE MOBILE CITY CODE, "ANIMALS AND FOWLS". The following ordinance which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, and November 22, 2022, was called up by the Presiding Officer.

ORDINANCE: 07-058-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That pursuant to Alabama Code Section 11-45-8 (1975), the Code of Alabama, The City Code Chapter 7, Animals and Fowls Code of the City of Mobile, as amended and contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to a resolution adopted by the City Council of the City of Mobile, Alabama, on **November 22, 2022**, is hereby adopted as "Animals and Fowls." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Property Maintenance Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said Animals and Fowls Code of the City of Mobile shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

CHAPTER 7, of the Mobile City Code, is hereby amended to read as follows:

CHAPTER 7 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

Sec. 7-1. – Definitions

For the purpose of this chapter, the words and phrases below have the following meanings:

Abandoned animal. Any animal for which the owner, keeper, person who is charged to keep an animal, person residing at a residence where an animal is kept, or any adult member of the household where an animal is kept or allowed to remain, has ceased to support or look after the animal. Abandoned animal includes any animal that has been delivered or released to Animal Services, confiscated, found, or impounded by Animal Services from public places, private property or vacant houses and lands and for which an owner has failed to reclaim within five days of impoundment.

Abuse or neglect. Every act or omission, where unnecessary or unjustifiable pain or suffering is caused or allowed to continue, including, but not limited to, abandonment, depriving the animal of food, water, shelter, veterinary care for illness or injury or lack of sufficient space.

Animal. Any nonhuman, animate being which is endowed with the power of voluntary motion including, but not limited to: mammals, reptiles, and birds.

Animal at large. A stray animal or animal which is off the property of its owner or person in charge and not carried by said person, kept in any effective enclosure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

Animal control officer. The director, assistant director, and enforcement officers assigned to the Mobile Animal Services.

Cat. Members of the domesticated feline family.

Corral. Any uncovered, enclosed parcel of land where large animals are kept.

Director. Director of the Mobile Animal Services.

Dog. Member of the domesticated canine family.

Domesticated animal. An animal which has been trained or has adapted to live with and be of use to humans.

Fowl. For the purpose of this chapter, the term means chickens, ducks, geese, turkeys, guineas, quail, pheasants, and all other fowl kept as a pet or for ornamental purposes.

Hoarding. Keeping a higher than usual number of animals as pets without the ability to properly house or care for them, while at the same time denying this inability.

Impound and/or Reclaim fee(s). All Animal Services fee involved in the impoundment of an animal, including, but not limited to, capture, transport, boarding, food, veterinary fees, vaccinations.

Keep. To confine, harbor or allow to remain.

License. A permit issued by the city required for keeping dogs within the city limits.

Livestock. Domesticated animals, such as cattle, horses, sheep, swine, mules, and goats raised for home use or profit, especially on a farm.

Mobile Animal Services. The city department charged with implementing this chapter.

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Nuisance. Anything which disturbs the use and enjoyment of one's property or endangers life, health, or safety, or is offensive.

Owner. Any person that can demonstrate ownership through a verifiable means, such as veterinary records, notarized bill of sale, and the like., any person in whose charge an animal is being kept, any adult (over age 19) members of the household where an animal is regularly kept or allowed to remain. Owner includes any person who cares for an animal or acts as its custodian or who keeps it, allows it food and/or refuge on or about any premises occupied by that person or who harbors it in any manner.

Person. Any individual, partnership, company, corporation, or other legal entity.

Pet. Any domesticated animal kept by a person as a companion and friend.

Pet store. Any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs or puppies. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

Pet trader. Any person who sells, barter, or exchanges for consideration a dog or puppy. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

Poisonous or venomous animal. Any animal, reptile or other nonhuman living thing which is capable of inflicting injury on humans or other animals by means of a poisonous or venomous injection.

Poultry. Domesticated fowl (e.g., ducks, geese, turkeys, chickens, etc.).

Property. Something to which a person or business has a legal title.

Shelter (out-of-doors). A place of protection from danger, for example, bad weather.

Songbird. Any bird having a musical call.

Stable. Structure for housing livestock.

Stray. An animal with no apparent owner and no means of identification.

Under control. When off the premises of the owner or person in charge, to be under control or restraint, an animal must be carried by such person, caged or kept in the immediate presence of such person and under the person's voice command control.

Vicious or dangerous animal.

(A) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domesticated animals. Under this definition, the term "known" includes, but is not limited to, the owner's knowledge.

(B) Any animal which, because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if not kept in the manner required by this chapter. Wild animal. An undomesticated animal.

Sec. 7-2. - Creation of the Mobile Animal Services.

(A) There is hereby created within the Mobile Animal Services, a department of the city charged with administration and enforcement of this chapter.

(B) The Director of Animal Services shall be appointed by the mayor in the same manner as any department head of the city. The director shall be the supervisor over the Mobile Animal Services and over the employees assigned to Animal Services. The director shall have authority to coordinate with animal rescue groups and adoption organizations for adoption programs, work with local organizations to facilitate animal education programs, implement programs to stabilize and/or reduce feral cat populations, implement Animal Services volunteer programs, investigate animal complaints, and implement any program to promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city.

(C) All enforcement officers assigned to Animal Services shall be known as Animal Control officers (ACOs).

(D) ACOs may have full police powers, provided that the ACO has completed the appropriate training, as required by law. Any provision of this chapter referring to the director shall also mean and include any authorized employee acting in the director's stead and under his or her supervision.

Sec. 7-3. - Application in the police jurisdiction.

This chapter shall be enforced within the corporate limits, only, not in the city's police and fire jurisdiction.

Sec. 7-4. - City declared a bird sanctuary.

The entire area embraced within the corporate limits of the city shall be a bird sanctuary. It shall be unlawful for any person to pursue, injure, capture, kill or destroy a songbird of any kind within the city. This section shall not be construed so as to apply to the director, ACO, or law enforcement officer when a nuisance exists or when there is a hazard to health or safety which, in the judgment of the officer, cannot be otherwise remedied.

Sec. 7-5. - Disposition of fees.

All fees (but not fines) collected, as provided for in this chapter, shall be used to fund animal protection activities, or services and programs, performed by Animal Services.

ARTICLE II. - DUTIES OF ANIMAL OWNERS

Sec. 7-6. - Rabies vaccination required for dogs, cats, and ferrets.

(A) An owner of a dog or cat, ferret or other animal requiring rabies vaccination shall have the animal vaccinated for rabies when the animal has reached the age of three (3) months and annually or tri-annually thereafter at the owner's and veterinarian's discretion. Upon vaccination, the veterinarian shall give the owner a metal tag which may be attached to the animal. If the tag is not attached to the animal, the animal must be in the immediate control of the owner who shall produce proof of vaccination

(B) Rabies tags shall be serially numbered, bearing the year of the vaccine, and the owner shall also receive a certificate of inoculation bearing the same serial number and year.

(C) Owners shall present rabies certificates to Animal Services when registering the animal for the city's license.

(D) Quarantine required in instance of bite.

1. Whenever a human being or domesticated animal has been bitten by any dog or cat and the Mobile County Health Department so notifies Animal Services, the director shall give written notice to the owner that the animal must be placed in quarantine under the direct supervision of a licensed veterinarian for a period of ten (10) consecutive days after the date of the bite for the purpose of determining whether the animal is infected by rabies. The owner shall quarantine the animal within twenty-four (24) hours of receipt of notice.

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2. All quarantine costs shall be at the owner's expense.

3. When, after a reasonable investigation, the director determines that the animal is unowned, the animal shall be either quarantined by Animal Services, or it may be humanely destroyed and submitted for rabies examination to the state department of public health.

4. Any owner may relinquish, in writing, the ownership of an animal to the director for the purpose of humanely destroying the animal to enable immediate testing to be performed on the animal by the department of health.

5. It shall be unlawful for the owner of an animal to refuse to comply with the lawful order of the director given to enforce this section. It shall be unlawful for any owner to sell, give away, transfer to another location or otherwise dispose of any animal in quarantine until it is released from quarantine by a qualified veterinarian or other office duly authorized under state law.

(E) In the event a rabies tag provided for in section 7-6(a) is lost, a new tag and certificate may be issued by the veterinarian who issued the original tag. The new certificate shall be marked "duplicate" and shall include the new tag number.

Sec. 7-7. - City licenses required for all dogs.

(A) The owner of a dog more than three (3) months old shall purchase from Animal Services either a one-year city license if the dog is vaccinated for rabies annually or a three-year city license if the dog is vaccinated triennially.

(B) At the time of registration, the owner must provide proof of rabies inoculation.

(C) The license shall be in the form of a metal tag, the shape and color of which shall change yearly.

(D) A city license shall not be required from owners who are nonresidents, temporarily within the city for a period not exceeding thirty (30) days.

(E) The owner shall keep the license tag affixed to the animal unless the animal is under restraint, on its own premises, or the owner is in the presence of the animal and shall produce proof of city licensure.

(F) It shall be unlawful for any person to put a license tag upon an animal for which the tag was not issued or to disfigure the words or figures upon a license tag.

(G) Lost tags may be replaced with duplicates, upon application to Animal Services and payment of the posted fee.

Sec. 7-8. - Shelter and care of animals.

(A) It shall be unlawful for any owner to fail to provide food, water, shelter, or veterinary care for illness or injury, for an animal. Owners of domesticated animals must provide food and water that is adequate for the size and type animal(s) to keep said animals in good health and comfort. Animals must be given adequate room to exercise. Animals must be given veterinary care when needed to prevent parasites, disease, suffering and to keep said animals in good health.

(B) It shall be unlawful for any owner to keep or maintain animals indoors or in an outdoor pen or enclosure, in such an unsanitary condition that the lives and health of the animals, or the lives and health of the public or owner, or the lives and health of other animals shall be endangered.

(C) Shelters for animals who live out-of-doors shall be at least a three-sided, roofed, adequately drained, well-ventilated, moisture-proof structure, of suitable size to accommodate the animal, that protects from the elements of weather, wind, water, heat,

cold, and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease and odor.

(D) Any animal(s) that, in the opinion of the animal control officer, is being abused or neglected can be impounded by the animal control officer at the expense of the animal's owner until conditions responsible for said treatment are corrected.

Sec. 7-9. - Animals trained to fight.

It shall be unlawful for any person to own, possess, keep, or train any animal with the intent that such animal shall engage in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such a fight.

Sec. 7-10. - Duty to restrain animals.

It shall be the duty of every owner, keeper, or person in charge to keep his or her animals on a leash or other effective restraint whether or not the animal is upon or away from the owner's premises.

Sec. 7-11. - Duty to confine animals in heat.

It shall be the duty of every owner to keep his or her animal who is in heat confined to the owner's premises.

Sec. 7-12. - Sheltering of stray, confined, impounded, or abandoned animals.

(A) Any person finding a stray animal within the city limits may deliver such animal to Animal Services for confinement. The animal shall be cared for by Animal Services, or at a location authorized or designated by Animal Services, for not less than five (5) working days. If the animal is not claimed by its verifiable owner, Animal Services may place the animal for adoption or shall transport the animal to an adoption agency, or otherwise dispose of the animal as provided for in this chapter.

(B) Animals claimed within the five-day period shall be returned to the rightful verifiable owner after the owner has provided proof of rabies inoculation (if required) and paid all required fees and fines.

(C) Animals not claimed within the five-day period shall become the property of Animal Services.

(D) Any animal sheltered/impounded by Mobile Animal Services where the owner is known to Animal Services to be incapacity, such as incarceration or hospitalization, shall be held for ten (10) days before being deemed abandoned.

(E) Any stray, confined, impounded, or abandoned animal, not reclaimed within five days, or under conditions of Sec. 7-12. (d) then ten days, shall become the property of the Mobile Animal Services to be disposed as provided for in this Chapter, including thorough adoption, euthanasia or other current or future provisions of this Code.

Sec. 7-13. - Duty to remove deposited feces.

(A) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.

(B) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid

waste when accompanied by said animal on any sidewalk, public park, alley, or other place open to the public.

Sec. 7-14. - Keeping domestic fowl.

(A) It shall be unlawful for any person to keep or maintain poultry domestic fowl within the city without a permit from the director. No permit will be issued authorizing the keeping of any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

(B) Domestic fowl must be kept in a domestic fowl house, coop, ark, or yard which must meet requirements asset by the director.

(C) It shall be unlawful for any person to keep any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

Sec. 7-15. - Corrals, pens and stables, generally.

Livestock may be maintained in any area of the city zoned for such use. Owners shall provide suitable protective shelter for livestock, as follows:

(A) Minimum area for livestock: The minimum space required for a corral or stable is twelve thousand (12,000) square feet for one (1) animal and an additional ten thousand (10,000) square feet for each additional animal. Animals must have free and unrestricted access to every portion of this space.

(B) Distance of pens, corrals, stables, enclosures from dwellings. No pen, corral, stables, or enclosures for animals shall be located within one hundred fifty (150) feet of a dwelling owned or occupied by a person other than the animal's owner.

(C) Every stable, corral, or lot where livestock are kept shall be thoroughly cleaned. All such structures shall have sufficient light, ventilation, and drainage.

(D) Poultry are exempt from this section. See, instead, section 7-14.

Sec. 7-16. - Construction of stables.

All buildings used for stabling horses, mules or cows require a building permit from the city and must be constructed in compliance with chapter 11 of the City Code.

Sec. 7-17. - Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint.

(A) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles, and serpents (referred to collectively herein, for the sake of convenience, as "animals") in their care to prevent such animal from biting, injuring, or attacking a person or other animal.

(1) "Securely confined" means that, while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the animal to make normal postural movements and to move around and shall also comply with the minimum standards for sanitation provided in this chapter.

(2) Animals who are wild or poisonous or potentially dangerous or vicious, if transported off the premises of the owner shall be caged, or leashed and muzzled to prevent the animal from attacking or causing injury to a person or other animal.

(B) It shall be unlawful to possess, without an appropriate permit, any wildlife regulated by the Department of Conservation in which the Department of Conservation requires, and issues, permits.

(1) It shall be unlawful for any person or entity to possess, sell, offer for sale, import, brine, release, or cause to be brought or imported into the City of Mobile, any species of venomous reptile which has never naturally existed in the wild in Alabama, or any bird, mammal, reptile, or amphibian listed as injurious wildlife under the Lacey Act, (18 U.S.C. 42).

Sec. 7-18. - Disposal of dead animals.

All dead animals must be properly disposed of within twenty-four (24) hours after the death. No animal may be dumped on private or public property.

ARTICLE III. - UNLAWFUL CONDUCT AND CODE ENFORCEMENT

Sec. 7-19. - Abandonment of animals within the city.

(A) It shall be unlawful for any person to knowingly abandon or aid another in knowingly abandoning any animal within the city.

(B) If an owner or person in charge wishes to deliver an animal to Animal Services for adoption, the owner may do so, provided that the owner or person in charge signs a release and pays the posted fee, and if Animal Services has space available to properly care for the animal.

Sec. 7-20. - Application of the city's zoning code.

It shall be unlawful for any person to keep any animal or fowl in an area of the city not zoned for that animal or fowl. Any animal kept in an area not zoned for such animal is subject to impoundment.

Please see chapter 64 of this Code for zoning regulations.

Sec. 7-21. - Public nuisances.

It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in his or her possession or care from creating a public nuisance. For purposes of this section, an animal is a public nuisance if the animal:

(1) Habitually makes disturbing noises including, but not limited to crowing, barking, yelping, whining, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;

(2) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby creates unreasonable annoyance or discomfort to persons in the close proximity to where the animal is kept; or

(3) Damages property belonging to anyone other than its owner, including damage to flowers, gardens, and shrubs.

Sec. 7-22. - Hoarding.

It shall be unlawful for any person to keep animals as pets in such sufficient numbers that they cannot be properly housed or cared for. Any person convicted of this offense shall be subject to confiscation of the animals in addition to other criminal penalties.

Sec. 7-23. - Animals at large; tethering.

(A) It shall be unlawful for any person to allow any animal in his control or possession to go, stray or wander upon the public right-of-way or property of another person. An animal is running at large if it is not under control of the owner and is not:

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(1) Confined by an electronic collar system or within a fence, electronic fence system, wall, or other enclosure in such a manner so as to effectively prevent the animal from traveling onto the public right-of-way or property of another person;

(2) On a single animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the animal without becoming tangled, wrapped around an object, or shortened, and:

a. Is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, allowing access to a reasonable exercise area, but does not allow the animal access to the public right-of-way or property of another person;

b. Allows the animal access to water and shelter;

c. Is an appropriate strength and weight given the size of the animal and is affixed to the animal by a proper fitting nylon or leather harness or collar, all as determined by an animal control officer, with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

(B) Notwithstanding the foregoing, it shall be unlawful for any person to place or keep an animal less than six (6) months of age on a trolley or pulley system as described in subsection (a)(2), above, and it shall be unlawful for any person to place or keep any animal on such trolley or pulley system during National Weather Service winter storm warnings, tornado warnings, flood warnings, excessive heat warnings, tropical storm warnings or hurricane warnings, or while the temperature is below thirty-two (32) degrees Fahrenheit or above ninety (90) degrees Fahrenheit.

(C) Subsection (a), above, shall not apply to an animal that is:

(1) On a leash, not more than ten (10) feet in length, secured by a harness or collar, or by an electronic collar system controlled by a person that ensures the animal stays within ten (10) feet of such person, while being walked or exercised by a person.

(2) At a designated animal or dog park or in attendance at any legal event in which the animal is a permitted attendee or participant;

(3) Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;

(4) Under the care of a veterinarian or groomer;

(5) Being utilized or trained in a law enforcement or public safety capacity;

(6) Being legally used for hunting.

(D) It shall be unlawful for any person to allow any animal in his control or possession to be tied, tethered, or chained to a doghouse, tree, post, stake, barrel, or other stationary object unless its owner is physically present at the premises where the animal is being kept.

Sec. 7-24. - Animals, reptiles, or serpents known to be dangerous or vicious.

(A) The director shall have the authority, at the director's sole discretion, to impound any animal, reptile, or serpent (referred to collectively herein, for the sake of convenience, as "animals") whose owner is criminally charged because the animal is alleged to have bitten, charged, or caused other bodily injury to any human or other animal, pending final resolution of those criminal charges.

(B) The director shall have the authority, at the director's sole discretion, to impound any animal which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.

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(C) The owner shall be responsible for all costs related to the impounding of an animal under this provision, regardless of the outcome of the criminal matter.

(D) If the animal impounded under this provision is deemed by a court of proper jurisdiction to be a continuing danger to the owner, member of the public or any animal, the director shall humanely dispose of the animal.

Sec. 7-25. – Neglect and/or Cruelty.

(A) Adoption of state law. Any person or corporation committing the offense of cruelty to animals within the corporate limits of the city which is declared by law or laws of the state now existing (see Ala. Code § 13A-11- 14 and § 13A-11-241 (1975)) or hereinafter enacted to be a misdemeanor offense of cruelty to an animal shall be guilty of an offense against the city.

(B) The Director of the Mobile Animal Services shall serve as agent of the city to protect dogs and cats from cruelty and to prevent such cruelty, pursuant to Ala. Code § 13A-11-242(1975).

(C) The Director of the Mobile Animal Services shall serve as agent of the city to protect all animals from neglect and/or cruelty and to prevent such neglect and/or cruelty.

(D) The Director shall have the authority to impound any animal found suffering from neglect and/or cruelty. If in the opinion of the Director, the Owner has corrected a neglect violation, the Owner may reclaim the animal upon payment of all impoundment costs, including, but not limited to, transport, boarding, veterinary fees, vaccinations, and any other necessary Animal Services expenses. Owners charged with neglect and/or cruelty shall not be allowed to reclaim an animal until so ordered by the court. Neglected animals not reclaimed within five days of impound, including any partial day(s), shall be considered abandoned animals. Animals not reclaimed by Owners charged with neglect and/or cruelty, within five days of a court order allowing the animal to be reclaimed shall be considered an abandoned animal.

(E) It shall be unlawful to leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(F) A police officer, or an animal control officer shall be authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. In said circumstances, an officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible. In no event shall any officer cause damage to a motor vehicle unless a) there is no other reasonable means of entry, and b) an animal is in immediate danger of injury or death.

(G) A police officer, or animal control officer who removes an animal from a motor vehicle shall take it to Animal Services or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

(H) A police officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location, on or within the motor vehicle, leave written notice bearing reclaim procedures for the impounded animal

(I) Neither the municipality, nor any employee or agent of the municipality, acting in good faith, shall be liable for any actions taken under this section. As provided in the Code of Alabama 1975, § 13A11-243: Powers if agents, officers; liability.

Sec. 7-26. - Certain sales regulated.

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(A) No dog(s) shall be offered for sale, gift, or other transfer of ownership on or from any public street, roadway, right-of-way, sidewalk, or park.

(B) No dog(s) shall be offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, unless the seller provides the buyer, at the time of sale, with the following:

(1) A signed original State of Alabama Small Animal Health Certificate;

(2) A negative fecal examination report from a licensed, accredited veterinarian which is dated no more than ten (10) days before the date of sale; and,

(3) A microchip registration form.

(C) No dog(s) shall be offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, until the animal has reached the age of nine (9) weeks, as established by information included in the State of Alabama Small Animal Health Certificate.

(D) All dogs offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, must be implanted with an identifying microchip. The microchip number must be provided on the microchip registration form provided to the purchaser or transferee at the time of sale.

(E) No vendor shall offer a dog(s) for sale or gift or other transfer of ownership at or from any pet store or swap meet, unless there is conspicuously displayed at each vendor location a sign which reads as follows:

ATTENTION

No dog shall be sold or given away unless the dog is at least

9 WEEKS OLD

AND

the buyer is provided with:

the original State of Alabama Small Animal Health Certificate

AND

a negative fecal examination report by a licensed veterinarian

AND

a document showing that the dog is micro-chipped

City of Mobile Code Section 7-26

(F) The print on said sign shall not be less than two (2) inches in height.

(G) For purpose of this section, a "swap meet" is defined as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter, or exchange of new or used merchandise.

(H) Exceptions. This section shall not prohibit the sale, gift, or other transfer of ownership of dogs at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county agencies.

Sec. 7-27. - Authority of "nonsworn" ACOs.

Animal control officers who are not sworn police officers shall have the authority to issue

notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city's municipal court magistrate's fine schedule.

Sec. 7-28. - Authority of "sworn" ACOs.

Animal control officers who are sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city's municipal court magistrate's fine schedule and the additional authority to issue citations and warrants for violations of chapter 7 for which penalties must be assessed by a court of proper jurisdiction.

Sec. 7-29. - Authority to impound.

To promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city, the director, any ACO, or city police officer is authorized to impound any animal if there is reasonable cause to believe any of the following (non-exclusive list) conditions exist:

- (A) (1) The animal is the subject of an act of cruelty or neglect as prohibited by this chapter and state law;
- (2) The animal is running at large, in violation of this chapter;
- (3) The animal is an abandoned animal within the meaning of this Chapter;
- (4) The animal is the subject of an Animal Services investigation for viciousness; or
- (5) The animal does not display a valid inoculation tag and the owner, if identified, does not produce proper inoculation documentation.
- (6) The animal is housed or kept on, or in, any structure, building, pen or other real property, not owned by the animal owner, and without the permission of the real property owner or person or entity with a possessory interest in the real property.

(B) Any animal not reclaimed by an owner, or for which an owner has failed to pay for veterinary fees and boarding within the first five-day period of impoundment shall be deemed an abandoned animal and become the property of Animal Services.

Sec. 7-30. - Authority to enter private property.

Any ACO, city police officer or agent of Animal Services is authorized to enter upon private property to impound any animal observed at large and chased to such property or, to investigate any 'in plain view' violation of this chapter, or impound any animal that, in the reasonable discretion of the ACO, police officer or Animal Services agent, has been abused, or neglected, or treated cruelly.

Sec. 7-31. - Humane traps and chemical capture methods.

(A) In order to apprehend animals in violation of this chapter who are otherwise difficult to apprehend, any ACO, city police officer or Animal Services agent is authorized to use traps designed to humanely capture such animals by placing the traps on any public property, upon the rights-of-way of any public street or highway, or upon the private property of any person who grants permission.

(B) Any ACO, city police officer, or Animal Services agent is hereby authorized to use chemical capture methods to capture animals in violation of this chapter when the use of humane traps would be ineffective, and the animal is diseased or poses a danger to public safety.

Sec. 7-32. - Destruction of certain animals.

(A) The director is authorized to humanely destroy any stray animal boarded and unclaimed at Animal Services for more than five (5) working days, provided that the Animal Services has made reasonable efforts to locate the animal's owner and been unsuccessful and provided that, in the director's opinion, the animal constitutes a direct and immediate threat to public health, safety or welfare.

(B) The director is authorized to humanely destroy any animal found unattended on public

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property when such animal is injured or diseased and past recovery.

(C) The director is authorized to humanely destroy any wild animal within the city limits which presents a direct and immediate threat to public health, safety, or welfare.

(D) The director is authorized to impound, any owned animal in which the Director has probable cause to believe the animal has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the director believes such animal constitutes a direct and immediate threat to public health, safety, or welfare. If the animal is not subject to quarantine, and the owner does not re-claim the animal within five days of impound, the animal will be considered abandoned and may be humanely destroyed.

(E) The director is to employ the most humane means possible when exercising the authority granted in this section.

ARTICLE IV. - FINES AND PENALTIES

Sec. 7-33. - Fines.

It shall be unlawful for any person to violate any provision of this chapter. Any person violating the provisions listed below shall be assessed the following fines, which are to be published in the City's municipal court magistrate's fine schedule. For second offense of any article of Chapter 7 a Court appearance is required. Penalties include fine of no more than \$500.00 (excluding court costs) or up to six months in jail.

City Code Section	State Code Section Adopted	Fine
<u>7-8</u>		\$100.00
<u>7-9</u>		Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail
<u>7-17</u>		~~\$150.00~~ Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail
<u>7-22</u>		Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail
<u>7-25</u>	Ala. Code Sec. 13A-111- 14, Sec. 13A-11-241 (1975)	Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail

<u>7-26</u>		\$100.00
All other violations of <u>chapter 7</u>		~~\$25.00~~ \$100.00

The ordinance was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the ordinance, which was seconded by Councilmember Jones, following comments by Councilmember Reynolds;

Councilmember Reynolds moved to amend the ordinance as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA. AS FOLLOWS:

ARTICLE ONE: Amendment and Restatement of Chapter 7

Chapter 7, Animals and Fowl of the Mobile City code, 1991, is hereby amended and restated in its entirety to read as follows:

CHAPTER 7 – ANIMALS AND FOWL

ARTICLE I. – IN GENERAL

Sec. 7-1. – Definitions

For the purpose of this chapter, the words and phrases below have the following meanings:

Abandoned animal. Any animal for which the owner, keeper, person who is charged to keep an animal, person residing at the residence where an animal is kept, or any adult member of the household where an animal is kept or allowed to remain has ceased to support or look after the animal. Abandoned animal includes any animal that has been delivered or released to Animal Services, confiscated, found, or impounded by Animal Services from public places, private property or vacant houses and lands and for which an owner has failed to reclaim within five days of impoundment.

Animal. Any nonhuman, animate being which is endowed with the power of voluntary motion including, but not limited to, mammals, reptiles, and birds.

Animal Abuse. Any act, omission, use, or treatment of an animal, whether deliberate or unintentional, that causes suffering or harm including deliberate harm, misuse of the animal, or unintentional neglect. Includes excessive neglect or participation in events such as animal fights.

Animal Neglect. A form of abuse that does not immediately affect an animal. A longer-term and occasionally more painful method by which animals endure suffering. Failing to provide animals with proper amounts of food or water, shelter, sanitary conditions, or veterinary care. May be an unintentional or a deliberate act.

Animal Cruelty. Every act, omission, or neglect, including abandonment, where unnecessary pain or suffering, including abandonment is caused or where unnecessary pain or suffering is allowed to continue, including, but not limited to, keeping or abandoning an animal with no means of food, water, shelter, or necessary veterinary care.

Animal at large. A stray animal or animal which is off the property of its owner or person in charge and not carried by said person, kept in any effective enclosure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

Animal Control Officer. The director, assistant director, and enforcement officers assigned to the Mobile Animal Services.

Cat. Members of the domesticated feline family.

Corral. Any uncovered, enclosed parcel of land where large animals are kept.

Director. Director of the Mobile Animal Services.

Dog. Member of the domesticated canine family.

Domesticated animal. An animal which has been trained or has adapted to live with and be of use to humans.

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Fowl. For the purpose of this chapter, the term means chickens, ducks, geese, tuckets, guineas, quail, pheasants and all other fowl kept as a pet or for ornamental purposes.

Hoarding. Keeping animals as pets in such sufficient numbers that they cannot be properly housed or cared for.

Impound and/or Reclaim fee(s). All Animal Services fees involved in the impoundment of an animal, including but not limited to, capture, transport, boarding, food, veterinary fees, vaccinations.

Keep. To confine, harbor or allow to remain.

License. A permit issue by the city required for keeping dogs within the city limits.

Livestock. Domesticated animals, such as cattle, horses, sheep, swine, mules and goats raised for home use or profit, especially on a farm.

Mobile Animal Services. The city department charged with implementing this chapter.

Nuisance. Anything which disturbs the use and enjoyment of one's property or endangers life, health, or safety, or is offensive.

Owner. Any person who can demonstrate ownership through means such as veterinary records, notarized bill of sale, and the like, any person in whose charge an animal is being kept, any adult (over age 19) members of the household where an animal is regularly kept or allowed to remain. Owner includes any person who cares for an animal or acts as its custodian or who keeps it, allows it food and/or refuge on or about any premises occupied by that person or who harbors it in any manner.

Person. Any individual, partnership, company, corporation, or other legal entity.

Pet. Any domesticated animal kept by a person as a companion or friend.

Pet store. Any retail establishment open to the public that sells or transfers or offers for sale or transfer, pets. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

Pet trader. Any person who sells, barter, or exchanges for consideration a dog, puppy, or pet. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

Poisonous or venomous animal. Any animal, reptile, or other nonhuman living thing which is capable or inflicting injury on humans or other animals by means of a poisonous or venomous injection.

Poultry. Domesticated Fowl (e.g., ducks, geese, turkeys, chickens, etc.)

Property. Something to which a person or business has a legal title.

Shelter (out of doors). A place of protection from danger, for example, bad weather.

Songbird. Any bird having a musical call.

Stable. Structure for housing livestock.

Stray. An animal with no known owner and no identification.

Under control. When off premises of the owner or person in charge, to be under control or restraint, an animal must be carried by such person, caged, or kept in the immediate presence of such person and under the person's voice command control.

Vicious or dangerous animal.

- i. Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domesticated animals. Under this definition, the term “known” includes, but is not limited to, the owner’s knowledge.
- ii. Any animal which, because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if not kept in the manner required by this chapter.

Wild animal. An undomesticated animal.

Sec. 7-2. Creation of the Mobile Animal Services.

- (A) There is hereby created within the Mobile Animal Services, a department of the city charged with administration and enforcement of this chapter.
- (B) The Director of Animal Services shall be appointed by the mayor in the same manner as any department head of the city. The director shall be the supervisor over the Mobile Animal Services and over the employees assigned to Animal Services. The director shall have authority to coordinate with federal, state, and local animal rescue groups and adoption organizations to implement adoption programs, programs to stabilize and/or reduce feral cat populations, and Animal Services volunteer programs, to investigate animal complaints, to facilitate animal education programs and, implement any program to promote the city’s interest in seeing that all animals are treated humanely.
- (C) All enforcement officers assigned to Animal Services shall be known as Animal Control officers (ACOs).
- (D) ACOs may have full police powers, provided that the ACO has completed the appropriate training, as required by law. Any provision of this chapter referring to the director shall also mean and include any authorized employee acting in the director’s stead and under his or her supervision.

Sec. 7-3. Application in the police jurisdiction.

This chapter shall be enforced within the corporate limits, only, not in the city’s police and fire jurisdiction.

Sec. 7-4. City declared a bird sanctuary.

The entire area embraced within the corporate limits of the city shall be a bird sanctuary. It shall be unlawful for any person or pursue, injure, capture, kill or destroy a songbird of any kind within the city. This section shall be construed so as to apply to the director, ACO, or law enforcement officer when a nuisance exists or when there is a hazard to health or safety which, in the judgment of the officer, cannot be otherwise remedied.

Sec. 7-5. Disposition of fees.

All fees (but not fines) collected, as provided for in this chapter, shall be used to fund animal protection activities, or services and programs, performed by Animal Services.

ARTICLE II. – DUTIES OF ANIMAL OWNERS

Sec. 7-6. Rabies vaccination required for dogs, cats, and ferrets.

- (A) An owner of a dog or cat, ferret, or other animal requiring rabies vaccination shall have the animal vaccinated for rabies when the animal has reached the age of three (3) months and annually or tri-annually thereafter at the owner’s and veterinarian’s discretion. Upon vaccination, the veterinarian shall be the owner a metal tag which may be attached to the animal. If the tag is not attached to the animal, the animal must be

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in the immediate control of the owner who shall produce proof of vaccination.

- (B) Rabies tags shall be serially numbered, bearing the year of the vaccine, and the owner shall also receive a certificate of inoculation bearing the same serial number and year.
- (C) Owners shall present rabies certificates to Animal Services when registering the animal for the city's license.
- (D) Quarantine required in instance of bite.
 - 1. Whenever a human being or domesticated animal has been bitten by any dog or cat and the Mobile County Health Department so notifies Animal Services, the director shall give written notice to the owner that the animal must be placed in quarantine under the direct supervision of a licensed veterinarian for a period of ten (10) consecutive days after the date of the bite for the purpose of determining whether the animal is infected by rabies. The owner shall quarantine the animal within twenty-four (24) hours of receipt of notice. Any animal not quarantined in compliance with this Chapter shall be subject to impoundment.
 - 2. All quarantine costs shall be at the owner's expense.
 - 3. When, after a reasonable investigation, the director determines that the animal is unowned, the animal shall be either quarantined by Animal Services, or it may be humanely destroyed and submitted for rabies examination to the state department of public health.
 - 4. Any owner may relinquish, in writing, the ownership of an animal to the director for the purpose of humanely destroying the animal to enable immediate testing to be performed on the animal by the department of health.
 - 5. It shall be unlawful for the owner of an animal to refuse to comply with the lawful order of the director given to enforce this section. It shall be unlawful for any owner to sell, give away, transfer to another location or otherwise dispose of any animal in quarantine until it is released from quarantine by a qualified veterinarian or other office duly authorized under state law.
- (E) In the event a rabies tag provided for in section 7-6(A) is lost, a new tag and certificate may be issued by the veterinarian who issued the original tag. The new certificate shall be marked "duplicate" and shall include the new tag number.

Sec. 7-7. City licenses required for all dogs.

- (A) The owner of a dog more than three (3) months old shall purchase from Animal Services either a one-year city license if the dog is vaccinated for rabies annually or a three-year city license if the dog is vaccinated triennially.
- (B) At the time of registration, the owner must provide proof of rabies inoculation.
- (C) The license shall be in the form of a metal tag, the shape and color of which shall change yearly.
- (D) A city license shall not be required from owners who are non-residents, temporarily within the city for a period not exceeding thirty (30) days. A city license is not required for any microchipped and registered dog.
- (E) The owner shall keep the license tag affixed to the animal unless the animal is under restraint, on its own premises, or the owner is in the presence of the animal and shall produce proof of city licensure.
- (F) It shall be unlawful for any person to put a license tag upon an animal for which the tag was not issued or to disfigure the words or figures upon a license tag.
- (G) Lost tags may be replaced with duplicates, upon application to Animal Services and payment of the posted fee.

Sec. 7-8. Shelter and care of animals.

- (A) It shall be unlawful for any owner to fail to provide food, water, shelter, sanitary environment or veterinary care for illness or injury, for an animal. Owners of domesticated animals must provide food and water that is adequate for the size and type animal(s) to keep said animal(s) in good health. Animals must be given adequate room to exercise. Animals must be given veterinary care when needed to prevent parasites, disease, suffering, and to keep said animals in good health.
- (B) It should be unlawful for any owner to keep or maintain animals indoors or in an outdoor pen or enclosure, in such an unsanitary condition that the lives and health of the animals, or the lives and health of the public or owner, or the lives and health of other animals, shall be endangered.
- (C) Shelters for animals who live out-of-doors shall be at least a three-sided, roofed, adequately drained, well-ventilated, moisture-proof structure, of suitable size to accommodate the animal, that protects from the elements of weather, wind, water, heat, cold and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease and odor.
- (D) Any animal(s) that is being abused or neglected can be impounded by the animal control officer at the expense of the animal's owner until conditions responsible for said treatment are corrected.

Sec. 7-9. Animals trained to fight.

It shall be unlawful for any person to own, possess, keep or train any animal with the intent that such animal shall engage in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such a fight.

Sec. 7-10. Duty to restrain animals.

It shall be the duty of every owner, keeper, or person in charge to keep his or her animals on a leash or other effective restraint whether or not the animal is upon or away from the owner's premises.

Sec. 7-11. Duty to confine animals in heat.

It shall be the duty of every owner to keep his or her animal who is in heat confined to the owner's premises.

Sec. 7-12. Sheltering of stray, confined, impounded, or abandoned animals.

- (A) Any person finding a stray animal within the city limits may deliver such animal to Animal Services for confinement. The animal shall be cared for by Animal Services, or at a location authorized or designated by Animal Services, for not less than five (5) working days. If the animal is not claimed by its rightful owner, Animal Services may place the animal for adoption or shall transport the animal to an adoption agency, or otherwise dispose of the animal as provided for in this chapter.
- (B) Animals claimed within the five-day period shall be returned to the rightful owner, after the owner has provided proof of rabies inoculation (if required) and paid all required fees and fines.
- (C) Animals not claimed within the five-day period shall become the property of Animal Services.
- (D) Any animal sheltered/impounded by Mobile Animal Services where the owner is known

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to Animal Services to be incapacity, such as incarceration or hospitalization, shall be held for ten (10) days before being deemed abandoned.

- (E) Any stray, confined, impounded, or abandoned animal, not reclaimed within five days, or under conditions of Sec. 7-12. (D) then ten days, shall become the property of the Mobile Animal Services to be disposed as provided for in this Chapter, including through adoption, euthanasia or other current or future provisions of this Code.

Sec. 7-13. Duty to remove deposited feces.

- (A) It shall be unlawful for the owner, keeper or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.
- (B) It shall be unlawful for the owner, keeper or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal on any sidewalk, public park, alley or other place open to the public.

Sec. 7-14. Keeping domesticated fowl.

- (A) It shall be unlawful for any person to keep or maintain domestic fowl within the city without a permit from the director. No permit will be issued authorizing the keeping of any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.
- (B) Domesticated fowl must be kept in an appropriate house, coop, ark, or yard which much meet requirements as set by the director.
- (C) It shall be unlawful for any person to keep any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

Sec. 7-15. Corrals, pens, and stables, generally.

Livestock may be maintained in any area of the city zoned for such use. Owners shall provide suitable protective shelter for livestock, as follows:

- (A) Minimum area for livestock: The minimum space required for a corral or stable is twelve thousand (12,000) square feet for one (1) animal and an additional ten thousand (10,000) square feet for each additional animal. Animals must have free and unrestricted access to every portion of this space.
- (B) Distance of pens, corrals, stables, enclosure from dwellings. No pen, corral, stables, or enclosures for animals shall be located within one hundred fifty (150) feet of a dwelling owned or occupied by a person other than the animal's owner.
- (C) Every stable, corral, or lot where livestock are kept shall be thoroughly cleaned. All such structures shall have sufficient light, ventilation, and drainage.
- (D) Poultry are exempt from this section. See, instead section 7-14.

Sec. 7-16. Construction of stables.

All buildings used for stabling horses, mules or cows require a building permit from the city and must be constructed in compliance with Chapter 11 of the City Code.

Sec. 7-17. Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint.

(A) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles, and serpents (referred to collectively herein, for the sake of convenience, as “animals”) in their care to prevent such animal from biting, injuring, or attacking a person or other animal.

1. “Securely confined” means that, while on the owner’s property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the animal to make normal postural movements and to move around and shall also comply with the minimum standards for sanitation provided in this chapter.
2. Animals who are wild or poisonous or potentially dangerous or vicious, if transported off the premises of the owner shall be caged or leashed and muzzled to prevent the animal from attacking or causing injury to a person or other animal.
3. It shall be unlawful to possess, without an appropriate permit, any wildlife regulated by the Alabama Department of Conservation and Natural Resources (ADCNR) for which the ADCNR requires, and issues, permits.
4. It shall be unlawful for any person or entity to possess, sell, offer for sale, import, brine, release, or cause to be brought or imported into the City of Mobile, any species of venomous reptile which has never naturally existed in the wild in Alabama, or any bird, mammal, reptile, or amphibian listed as injurious wildlife under the Lacey Act, (18 U.S.C. 42).

Sec. 7.18. Disposal of dead animals.

All dead animals must be properly disposed of within twenty-four (24) hours after the death. No animal may be dumped on private or property.

ARTICLE III. UNLAWFUL CONDUCT AND CODE ENFORCEMENT

Sec. 7-19. Abandonment of animals within the city.

- (A) It shall be unlawful for any person to knowingly abandon or aid another in knowingly abandoning any animal within the city.
- (B) If an owner or person in charge wishes to deliver an animal to Animal Services for adoption, the owner may do so, provided that the owner or person in charge signs a release and pays the posted fee, and if Animal Services has space available to properly care for the animal.

Sec. 7.20. Application of the city’s zoning code.

It shall be unlawful for any person to keep any animal or fowl in an area of the city not zoned for that animal or fowl. Any animal kept in an area not zoned for such animal is subject to impoundment.

Please see chapter 64 of this Code for zoning regulations.

Sec. 7.21. Public nuisances.

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It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in his or her possession or care from creating a public nuisance. For purposes of this section, an animal is a public nuisance if the animal:

1. Habitually makes disturbing noises including, but not limited to crowing, barking, yelping, whining, or other utterances, causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;
2. Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby creates unreasonable annoyance or discomfort to persons in the close proximity to where the animal is kept; or
3. Damages property belonging to anyone other than its owner, including damage to flowers, gardens, and shrubs.

Sec. 7-22. Hoarding.

It shall be unlawful for any person to keep animals as pets in such sufficient numbers that they cannot be properly housed or cared for. Any person convicted of this offense shall be subject to confiscation of the animals in addition to other criminal penalties.

Sec. 7-23. Animals at large; tethering.

(A) It shall be unlawful for any person to allow any animal in his control or possession to go, stray or wander upon the public right-of-way or property of another person. An animal is running at large if it is not under control of the owner and is not:

1. Confined by an electronic collar system or within a fence, electronic fence system, wall, or other enclosure in such a manner so as to effectively prevent the animal from traveling onto the public right-of-way or property of another person;
2. On a single animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the animal without becoming tangled, wrapped around an object or shortened, and;
 - a. Is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, allowing access to a reasonable exercise area, but does not allow the animal access to the public right-of-way or property of another person;
 - b. Allows the animal access to water and shelter;
 - c. Is an appropriate strength and weight given the size of the animal and is affixed to the animal by a proper fitting nylon or leather harness or collar, all as determined by an animal control officer, with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

(B) Notwithstanding the foregoing, it shall be unlawful for any person to place or keep an animal less than six (6) months of age on a trolley or pulley system as described in subsection (a)(2), above, and it shall be unlawful for any person to place or keep any animal on such trolley or pulley system during National Weather Service winter storm warnings, tornado warnings, flood warnings, excessive heat warnings, tropical storm warnings, or while the temperature is below thirty-two (32) degrees Fahrenheit.

(C) Subsection (A) above, shall not apply to an animal that is:

1. On a leash, not more than ten (10) feet in length, secured by a harness or collar, or by an electronic collar system controlled by a person that ensures the animal stays within ten (10) feet of such person, while being walked or exercised by a person.
2. At a designated animal or dog park or in attendance at any legal event in which the animal is in permitted attendee or participant;
3. Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;
4. Under the care of a veterinarian or groomer;
5. Being utilized or trained in a law enforcement or public safety capacity;

6. Being legally used for hunting.

- (D) It shall be unlawful for any person to allow any animal in his control or possession to be tied, tethered or chained to a doghouse, tree, post, stake, barrel or other stationary object unless its owner is physically present at the premises where the animal is being kept.

Sec. 7-24. Animals, reptiles, or serpents known to be dangerous or vicious.

- (A) The director shall have the authority, at the director's sole discretion, to impound any animal, reptile or serpent (referred to collectively herein, for the sake of convenience, as "animals") whose owner is criminally charged because the animal is alleged to have bitten, charged or caused other bodily injury to any human or other animal, pending final resolution of those criminal charges.
- (B) The director shall have the authority, at the director's sole discretion, to impound any animal which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.
- (C) The owner shall be responsible for all costs related to the impounding of an animal under this provision, regardless of the outcome of the criminal matter.
- (D) If the animal impounded under this provision is deemed by a court of proper jurisdiction to be a continuing danger to the owner, member of the public or any animal, the director shall humanely dispose of the animal.

Sec. 7-25. Abuse, Neglect or Cruelty.

- (A) Adoption of state law. Any person or corporation committing the offense of cruelty to animals within the corporate limits of the city which is declared by law or laws of the state now existing (see Ala. Code §13A-11-14 and §13A-11-241 (1974)) or hereinafter enacted to be a misdemeanor offense of cruelty to an animal shall be guilty of an offense against the city.
- (B) The Director of the Mobile Animal Services shall serve as agent of the city to protect dogs and cats from cruelty and to prevent such cruelty, pursuant to Ala. Code § 13A-11-242 (1975).
- (C) The Director of the Mobile Animal Services shall serve as agent of the city to protect all animals from abuse, neglect, or cruelty and to prevent such abuse, neglect, or cruelty.
- (D) The Director shall have the authority to impound any animal found suffering from abuse, neglect, or cruelty. If the Owner has corrected a neglect violation, the Owner may reclaim the animal upon payment of all impoundment costs, including, but not limited to, transport, boarding, veterinary fees, vaccinations, and any other necessary Animal Services expenses. Owners charged with neglect and/or cruelty shall not be allowed to reclaim an animal until so ordered by the court. Neglected animals not reclaimed within five days of impound, including any partial day(s), shall be considered abandoned animals. Animals not reclaimed by Owners charged with neglect and/or cruelty, within five days of a court order allowing the animal to be reclaimed shall be considered an abandoned animal.
- (E) It shall be unlawful to leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (F) A police officer, or an animal control officer shall be authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstance

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that could reasonably be expected to cause injury, disability, or death to the animal. In said circumstances, an officer is authorized to take all steps that are reasonably necessary for the removal on an animal from a motor vehicle, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible. In no event shall any officer cause damage to a motor vehicle unless (a) there is no other reasonable means of entry, and (b) an animal is in immediate danger of injury or death.

- (G) A police officer, or animal control officer who removed an animal from a motor vehicle shall take it to Animal Services or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
- (H) A police officer or animal control officer who removed an animal from a motor vehicle shall, in a secure and conspicuous location, on or within the motor vehicle, leave written notice bearing reclaim procedures for the impounded animal.
- (I) Neither the municipality, nor any employee or agent of the municipality, acting in good faith, shall be liable for any actions taken under this section. As provided in the Code of Alabama 1975, § 13A-11-243; Powers if agents, officers; liability.

Sec. 7-26. Certain sales regulated.

- (A) No dog(s) shall be offered for sale, gift or other transfer of ownership on or from any public street, roadway, right-of-way, sidewalk or park.
- (B) No dog(s) shall be offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, unless the seller provides the buyer, at the time of sale, with the following:
 - 1. A signed original State of Alabama Small Animal Health Certificate;
 - 2. A negative fecal examination report from a licensed, accredited veterinarian which is dated no more than ten (10) days before the date of sale; and,
 - 3. A microchip registration form.
- (C) No dog(s) shall be offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, until the animal has reached the age of nine (9) weeks, as established by information included in the State of Alabama Small Animal Health Certificate.
- (D) All dogs offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, must be implanted with an identifying microchip. The microchip number must be provided on the microchip registration form provided to the purchaser or transferee at the time of sale.
- (E) No vendor shall offer a dog(s) for sale or gift or other transfer of ownership at or from any pet store or swap meet, unless there is conspicuously displayed at each vendor location a sign which reads as follows:

ATTENTION

No dog shall be sold or given away unless the dog is at least

9 WEEKS OLD

AND

the buyer is provided with:

the original State of Alabama Small Animal Health Certificate

AND

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a negative fecal examination report by a licensed veterinarian

AND

a document showing that the dog is micro-chipped

City of Mobile Code Section 7-26

- (F) The print on said sign shall not be less than two (2) inches in height.
- (G) For purpose of this section, a “swap meet” is defined as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands, or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter or exchange of new or used merchandise.
- (H) Exceptions. This section shall not prohibit the sale, gift, or other transfer of ownership of dogs at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county agencies.

Sec. 7-27. Authority of “nonsworn” ACOs.

Animal control officers who are not sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which is a set fine published in the city’s municipal court magistrate’s fine schedule.

Sec. 7-28. Authority of “sworn” ACOs.

Animal control officers who are sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city’s municipal court magistrate’s fine schedule and the additional authority to issue citations and warrants for violations of chapter 7 for which penalties must be assessed by a court of proper jurisdiction.

Sec. 7-29. Authority to impound.

- (A) To promote the city’s interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city, the director, any ACO, or city police officer is authorized to impound any animal if there is reasonable cause to believe any of the following (non-exclusive list) conditions exist:
 - 1. The animal is the subject of an act of cruelty or neglect as prohibited by this chapter and state law;
 - 2. The animal is running at large in violation of this chapter;
 - 3. The animal is an abandoned animal within the meaning of this chapter;
 - 4. The animal is the subject of an Animal Services investigation for viciousness;
 - 5. The animal does not display a valid inoculation tag and the owner, if identified, does not produce proper inoculation documentation; or
 - 6. The animal is housed or kept on, or in, any structure, building, pen or other real property, not owned by the animal owner, and without the permission of the real property owner or person or entity with a possessory interest in the real property.
- (B) Any animal not reclaimed by an owner, or for which an owner has failed to pay for veterinary fees and boarding within the first five-day period of impoundment shall be deemed an abandoned animal and become the property of Animal Services.

Sec. 7-30. Authority to enter private property.

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Any ACO, city police officer or agent of Animal Services is authorized to enter upon private property to impound any animal observed at large and chased to such property; to investigate any “in plain view” violation of this chapter; or to impound any animal that the ACO, police officer or Animal Services agent has reasonable cause to believe is being abused, neglected, or treated cruelly.

Sec. 7-31. Humane traps and chemical capture methods.

- (A) In order to apprehend animals in violation of this chapter who are otherwise difficult to apprehend, any ACO, city police officer or Animal Services agent is authorized to use traps designed to humanely capture such animals by placing the traps on any public property, upon the rights-of-way of any public street or highway, or upon the private property of any person who grants permission.
- (B) Any ACO, city police officer, or Animal Services agent is hereby authorized to use chemical capture methods to capture animals in violation of this chapter when the use of human traps would be ineffective and the animal is diseased or poses a danger to public safety.

Sec. 7-32. Destruction of certain animals.

- (A) The director is authorized to humanely destroy any stray animal boarded and unclaimed at Animal Services for more than five (5) working days, provided that the Animal Services has made reasonable efforts to locate the animal’s owner and been unsuccessful and provided that, in the director’s opinion, the animal constitutes a direct and immediate threat to public health, safety or welfare.
- (B) The director is authorized to humanely destroy an animal found unattended on public property when such animal is injured or diseased and past recovery.
- (C) The director is authorized to humanely destroy any wild animals within the city limits which presents a direct and immediate threat to public health, safety or welfare.
- (D) The director is authorized to impound, any owned animal which the Director has probable cause to believe the animal has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the director believes such animal constitutes a direct and immediate threat to public health, safety, or welfare. If the animal is not subject to quarantine, and the owner does not re-claim the animal within five days of impound, the animal will be considered abandoned and may be humanely destroyed.
- (E) The director is to employ the most human means possible when exercising the authority granted in this section.

ARTICLE IV. FINES AND PENALTIES

Sec. 7.33. Fines

It shall be unlawful for any person to violate any provision of this chapter. Any person violating the provisions listed below shall be assessed the following fines, which are to be published in the City’s municipal court magistrate’s fine schedule.

Section	Name	Fine	Court Cost	Total (Fine and Court Cost)
<u>7-8</u>	Shelter and care of animals	100.00	As applicable	100.00 plus court cost
<u>7-9</u>	Animals trained to fight	No more than 500.00 or six months in jail	As applicable	100.00 plus court cost
<u>7-22</u>	Hoarding	No more than 500.00 or six months in jail	As applicable	100.00 plus court cost
<u>7-24</u>	Animals, reptiles, or serpents known to be dangerous or vicious	\$100.00	As applicable	100.00 plus court cost

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7-25	Cruelty	No more than 500.00 or six months in jail	As applicable	100.00 plus court cost
7-26	Certain sales regulated	\$250.00	As applicable	100.00 plus court cost
All other violations of <u>Chapter 7</u>		\$100.00	As applicable	100.00 plus court cost

ARTICLE TWO: Amendment to Chapter One, GENERAL PROVISIONS, Article II. Penalty and Enforcement Procedures, Division 2. Municipal Offense Tickets, Section 1-32, Schedule of Fines.

(A) Section 1-32 (2) City Code:

Section 1-32 (2) is hereby amended to replace the fines therein for violations of Sections 7-9, 7-22, 7-24, 7-25, 7-26 and “All other violations of Chapter 7” as follows:

Repeal the following fines for Sections 7-9, 7-22, 7-24, 7-25, 7-26 and “All other violations of Chapter 7”;

Section	Name	Fine	Court Cost	Total (Fine and Court Cost)
7-9	Animals trained to fight	No more than 500.00 or six months in jail	As applicable	100.00 plus court cost
7-22	Hoarding	No more than 500.00 or six months in jail	As applicable	100.00 plus court cost
7-24	Animals, reptiles or serpents known to be dangerous or vicious	\$150.00	As applicable	100.00 plus court cost
7-25	Cruelty	No more than 500.00 or six months in jail	As applicable	100.00 plus court cost
7-26	Certain sales regulated	\$100.00	As applicable	100.00 plus court cost
All other violations of <u>Chapter 7</u>		\$25.00	As applicable	100.00 plus court cost

Replace with the following fines for violations of Sections 7-9, 7-22, 7-24, 7-25, 7-26 and “All other violations of Chapter 7”;

Section	Name	Fine	Court Cost	Total (Fine and Court Cost)
7-9	Animals trained to fight	No more than 500.00 or six months in jail	As applicable	Court appearance required
7-22	Hoarding	No more than 500.00 or six months in jail	As applicable	Court appearance required
7-24	Animals, reptiles or serpents known to be dangerous or vicious	\$100.00	As applicable	100.00 plus court cost
7-25	Cruelty	No more than 500.00 or six months in jail	As applicable	Court appearance required
7-26	Certain sales regulated	\$250.00	As applicable	250.00 plus court cost
All other violations of <u>Chapter 7</u> that do not require a court appearance		\$100.00	As applicable	100.00 plus court cost

(B) All other provisions of Section 1-32 (2) remain in effect.

ARTICLE THREE: Miscellaneous

- (a) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (b) That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance as required by law.
- (c) This Ordinance shall be in full force and effect within the City of Mobile from and after its adoption and publication as required by law.

Which move was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then read by the City Clerk; whereupon the Presiding Officer declared the amendment adopted.

The Presiding Officer called for the vote on the original motion as amended and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted as amended.

ORDINANCE TO AMEND SEC. 65-4(C)(7), "TREE PROTECTION AND MANAGEMENT" OF THE MOBILE CITY CODE. The following ordinance which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

ORDINANCE: 65-061-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

SECTION ONE. Amendment.

Section 65-4(c)(7) of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

(7) The Commission shall hold regular meetings at least once each month and specially as it deems necessary in a public place open to the public in a manner conducive to public comment and preparation. If the Commission fails to conduct a regularly scheduled monthly meeting at which an application is pending, the Commission shall schedule a special meeting, to act on the pending application and conduct such other business as it deems appropriate. If the Commission fails to conduct a special meeting within ten (10) calendar days following the date of the regularly scheduled meeting, the Urban Forester, on behalf of the Commission, may act on the application. Any decision of the Urban Forester may be appealed under Section 65-4(c)(11).

SECTION TWO. Miscellaneous.

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(a) The provisions of this Ordinance are supplemental and shall not be construed to repeal any other ordinance or law except to the extent of any conflict, in which case the provisions of this Ordinance shall prevail.

(b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

(a) The Ordinance shall be in full force and effect within the City of Mobile from and after its adoption and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Gregory moved to adopt the ordinance, which was seconded by Councilmember Jones, following comments from Councilmember Jones the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 1005 TEXAS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of September 13, 2022, and held over until the regular meetings of November 15, 2022, and November 22, 2022, was called upon by the Presiding Officer.

RESOLUTION: 40-786-2022

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at **1005 TEXAS STREET** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 5, 6, 7, 8 and 15; and**

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1005 TEXAS STREET described as:

COM AT A PT WHERE S/L OF TEXAS ST INT W/L OF CHARLES ST RUN W ALG S/L OF TEXAS ST 75 FT TO POB TH CONT W ALG S/L OF TEXAS ST 25 FT TO A PT TH RUN S & PAR TO CHARLES ST 118 FT TO A PT TH RUN E & PAR TO TEXAS ST 25 FT TO A PT TH RUN N & PAR TO CHARLES ST 118 FT TO THE POB #SEC 38 T4S R1W #MP29 10 38 0 003

Parcel Number: 29 10 38 0 003 210.001

Last Assessed to: MASON WARREN W & SHIRLEY A

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said

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structure be **demolished** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Carroll moved to table the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution tabled.

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.

The following resolution which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-1013-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, purchase orders to the indicated vendors in the approximate amount stated, and to approve the supporting bid award if required, for the following requisitions as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>1857</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,168.02	(279229) PETROLEUM TRADERS CORPORATION
<u>1858</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,168.02	(279229) PETROLEUM TRADERS CORPORATION
<u>1860</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,168.02	(279229) PETROLEUM TRADERS CORPORATION
<u>1847</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$32,282.255	(279229) PETROLEUM TRADERS CORPORATION
<u>1848</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1849</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION

<u>1850</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1851</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1852</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1853</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1854</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1855</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION
<u>1856</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$32,282.25	(279229) PETROLEUM TRADERS CORPORATION

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The resolution was read by the City Clerk; whereupon Councilmember Penn moved to table the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

TRANSFER FUNDS FROM THE ALABAMA MUNICIPAL TRUST FUND TO CAPITAL PROJECT MOUNTED UNIT-NEW TRAINING FACILITY; \$67,500.00. The following resolution which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

RESOLUTION: 09-1014-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$67,500.00 be transferred from Capital Project #C0626 Pole Barn-Mounted Unit in the Alabama Municipal Trust Fund (Fund 2010) to Capital Project #C0634 Mounted Unit-New Training Facility. These funds are being consolidated in an effort to prioritize construction of the Mounted Unit-Training Facility and better manage the costs.

The resolution was read by the City Clerk; whereupon Councilmember Penn moved to table the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH CHRIS BREWER CONTRACTING, INC. FOR THE PARTIAL DEMOLITION OF THE DECOMMISSIONED ZIEBACH WASTE WATER TREATMENT PLANT; \$484,027.75. The following resolution which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-1015-2022

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, between the City of Mobile and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as set forth in full. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: Chris Brewer Contracting, Inc.

Project Name: Ziebach Waste Water Treatment Plant – Demolition
COM Project No. 2022-2045-04

Cost: \$484,027.75

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The resolution was read by the City Clerk; whereupon Councilmember Penn moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH ARDURRA GROUP, INC. FOR ASSESSMENT OF THE WATERSHED FOR STICKNEY DRAINAGE STUDY; \$70,000.00. The following resolution which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-1016-2022

Sponsored by: Mayor Stimpson and Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed contract will be on file in the office of the City Clerk.

Name of Company: Ardurra Group, Inc.

Project Name: Stickney Drainage Study Upham St. to Mobile Infirmary Blvd.

Estimated Cost: \$70,000.00

The resolution was read by the City Clerk; whereupon Councilmember Penn moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH GOODWYN MILLS CAWOOD, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION OF A NEW FACILITY AT THE MOBILE POLICE DEPARTMENT MOUNTED UNIT; \$296,657.44. The following resolution which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-1017-2022

Sponsored by: Mayor Stimpson and Councilmember Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: GOODWYN MILLS CAWOOD, INC.

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Project Name: MOBILE POLICE DEPARTMENT MOUNTED UNIT
NEW FACILITY (CONSULTANT AGREEMENT)

Project Number: PD-053-22

Amount: \$296,657.44

The resolution was read by the City Clerk; whereupon Councilmember Penn moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AMENDMENT OF CHARTER DOCUMENTS AND BYLAWS OF THE MOBILE AIRPORT AUTHORITY. The following resolution which was introduced and read at the regular meeting of November 15, 2022, and held over until the regular meeting of November 22, 2022, was called up by the Presiding Officer.

RESOLUTION: 60-1018-2022

Sponsored by: Mayor Stimpson

WHEREAS, the Board of Directors of the Mobile Airport Authority by Resolution dated September 28, 2022, has amended its Certificate of Incorporation to change its number of maximum board members from five to seven; and

WHEREAS, by the same Resolution dated September 28, 2022, the Board of Directors of the Mobile Airport Authority amended Article IV, Section 4.2 of its Bylaws, to authorize a maximum of seven board members, to be nominated by the Mayor and confirmed by the City Council as provided in Code of Alabama (1975) Section 11-44(c) 37 (3); and

WHEREAS, the City Council has the power to approve the Certificate of Incorporation of the Mobile Airport Authority as provided in Code of Alabama (1975) Section 4-3-2;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that the amendment of the Certificate of Incorporation of the Mobile Airport Authority is appropriate and necessary and the same is APPROVED and AUTHORIZED.

The resolution was read by the City Clerk; whereupon Councilmember Penn moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF ORDINANCES BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Reynolds moved for the suspension of the rules to consider Ordinance 01-062 being introduced for the first time. The motion was seconded by Councilmember Jones, following comments from Councilmember Carroll the vote was as follows:

Ayes: Carroll, Small, Reynolds, Jones, and Gregory

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Nays: None

The Presiding Officer declared unanimous consent granted for the item

ORDINANCES BEING INTRODUCED

ORDINANCE TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS DISPENSING SITES WITHIN THE CITY LIMITS OF THE CITY OF MOBILE. The following ordinance was introduced by Councilmember Reynolds.

ORDINANCE: 01-062-2022

Sponsored by: Councilmembers Carroll, Small, Daves, and Gregory

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA as follows:

Section 1. Definitions of Capitalized Terms.

(a) For purposes of this Ordinance, the following terms have the following meanings:

(i) **Act** means Chapter 2A of Title 20 of the Code of Alabama 1975.

(ii) **City** means the City of Mobile, Alabama.

(iii) **Commission** means the Alabama Medical Cannabis Commission created pursuant to the Act.

(iv) **State** means the State of Alabama.

(b) For purposes of this Ordinance, the following terms have the meanings assigned thereto in the Act:

(i) Dispensary;

(ii) Dispensing Site;

(iii) Integrated Facility;

(iv) Medical Cannabis.

Section 2. Findings and Determinations.

The City has heretofore, upon evidence duly presented to and considered by it, found and determined, and does hereby find, determine and declare that:

(a) The Act authorizes the:

(1) use of Medical Cannabis in the State by certain patients with qualifying medical conditions meeting the requirements of the Act;

(2) regulation by the Commission of all aspects of the use, cultivation, processing, dispensing and transportation of Medical Cannabis from seed to sale in the State; and

(3) Commission to grant licenses to Medical Cannabis Licensees in the manner prescribed in the Act.

(b) Section 20-2A-51(c) of the Act provides that:

(1) the Commission shall not permit the operation of a Dispensing Site in any municipality in the State unless the governing body of said municipality, by ordinance, has authorized the operating of Dispensing Sites within its corporate limits;

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(2) any municipality that adopts an ordinance authorizing the operation of Dispensing Sites within its corporate limits shall notify the Commission not more than seven calendar days after adopting said ordinance; and

(3) the Act does not prohibit a municipality from adopting zoning ordinances restricting the operation of Dispensing Sites within its corporate limits.

(c) The location and operation of Dispensing Sites within the City will generate employment opportunities in and local revenues for the City and is therefore desirable and in the best interests of the taxpayers and citizens of the City.

Section 3. Authorization of Medical Cannabis Licensees and Dispensing Sites.

In accordance with Section 20-2A-51(c)(1) of the Act, the City hereby authorizes the location and operation of Dispensing Sites for state-licensed Dispensaries and Integrated Facilities in the corporate limits of the City, subject to the provisions of the Act, the rules and regulations promulgated thereunder, and applicable city tax ordinances, zoning ordinances and all laws, resolutions and ordinances, as may be amended at any time and from time to time.

Section 4. Notification of the Commission.

In accordance with Section 20-2A-51(c)(2) of the Act, the City Clerk is hereby authorized and directed to forward a copy of this Ordinance to the Commission within seven calendar days following its adoption.

Section 5. General.

(a) All ordinances, resolutions, orders, or parts thereof in conflict or inconsistent with any provision herein hereby are, to the extent of such conflict or inconsistency, repealed.

(b) Each and every provision of this Ordinance is hereby declared to be severable so that if a provision is declared unconstitutional or invalid by a valid judgment of a court of

competent jurisdiction, such judgment shall not affect the validity of any other provision, for the City Council declares that it is its intent that it would have enacted this Ordinance without such invalid or unconstitutional provision(s).

(c) This Ordinance shall take effect upon publication as provided by law.

Councilmember Reynolds moved to hold the ordinance over for three weeks, which was seconded by Councilmember Jones, following comments from Councilmember Carroll and Councilmember Jones, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for three weeks until the regular meeting of December 13, 2022.

ORDINANCE TO AMEND PROPOSED AMENDMENTS TO SECTION 64.3.I, DOWNTOWN DEVELOPMENT DISTRICT, OF THE CURRENT ZONING ORDINANCE, CHAPTER 64 OF THE MOBILE CITY CODE, 1991, AND PROPOSED AMENDMENT TO APPENDIX A, DOWNTOWN DEVELOPMENT CODE, CHAPTER 64 OF THE MOBILE CITY CODE, 2022. The following ordinance held over until the regular meeting of November 29, 2022.

ORDINANCE: 64-063-2022

Sponsored by: Councilmembers Carroll and Jones

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the "DDD Code" set forth in the Zoning Ordinance, Chapter 64, Section 64-3.I of the Mobile City Code, and in Appendix A of the Unified Development Code adopted by the Mobile Council on July 12, 2022 (Ordinance 64-017-2022), and the Regulating Plan and Maps that show the zoning sub-districts and street hierarchy associated with the districts and subdistricts with the Downtown Development District, be, and the hereby are, amended so that they now read in full as set forth in the attached.

This ordinance shall be effective upon adoption and publication as required by law. The amendment of Appendix A of the Unified Development Code shall become effective on the date that the Uniform Development Code becomes effective, as set forth herein.

REZONE PROPERTY LOCATED AT THE SOUTH SIDE OF DAUPHIN STREET, 520+/- EAST OF SAGE AVENUE, EXTENDING TO THE EAST SIDE OF SAGE AVENUE, EXTENDING TO THE WEST TERMINI OF EXTER DRIVE AND SHERWOOD DRIVE, S., FROM LB-2 AN DR-3 TO R-3. The following ordinance was held over until the regular meeting of November 29, 2022.

ORDINANCE: 64-064-2022

Sponsored by: Councilmember Penn

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

A PORTION OF LOT 1, GRAF DAIRY, AS PER PLAT RECORDED IN MAP BOOK 119, PAGE 77 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1A, GRAF DAIRY SUBDIVISION, RESUBDIVISION OF LOTS 1,2,3 & 5, UNIT ONE, AS PER PLAT RECORDED IN INSTRUMENT #2020015611 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH SAGE AVENUE, AS WIDENED; THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 1A, GRAF DAIRY SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, 3 & 5, UNIT ONE, RUN S89° 18'07"E 589.36 FEET TO A POINT; THENCE RUN S00°43'25"W 40.00 FEET TO A POINT; THENCE RUN S89°18'07"E 170.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOURANDO SUBDIVISION, AS PER PLAT RECORDED IN MAP BOOK 5, PAGES 572-573 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG SAID WEST BOUNDARY OF LOURANDO SUBDIVISION, RUN S00°43'25"W 388.48 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 4, GRAF DAIRY; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 4, GRAF DAIRY, RUN N89°16'35"W 759.17 FEET TO THE NORTHWEST CORNER OF LOT 4, GRAF DAIRY, AS PER PLAT RECORDED IN MAP BOOK 119, PAGE 77 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF SOUTH SAGE AVENUE, AS WIDENED; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF SOUTH SAGE AVENUE, AS WIDENED, RUN N00°41'53" E 428.14 FEET TO THE SOUTHWEST CORNER OF LOT 1A, GRAF DAIRY SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, 3 & 5, UNIT ONE, AS PER PLAT RECORDED IN INSTRUMENT #2020015611 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING THE POINT OF BEGINNING. CONTAINING 318,400 SQUARE FEET OR 7.31± ACRES. LOT 4, GRAF DAIRY, AS PER PLAT RECORDED IN MAP BOOK 119, PAGE 77 OF THE PROBATE COURT RECORDS OF

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MOBILE COUNTY, ALABAMA. CONTAINING 532,161 SQUARE FEET OR 12.22± ACRES.

The classification of said property is hereby changed from LB-2, Limited Neighborhood Business District, and R-3, Multi-Family Residential District, to R-3, Multi-Family Residential District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in R-3, Multi-Family Residential District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a R-3, Multi-Family Residential District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and, 2) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

REZONE PROPERTY LOCATED AT 2819 GOVERNMENT BOULEVARD FROM R-1 AND B-2 TO B-2. The following ordinance was held over until the regular meeting of November 29, 2022.

ORDINANCE: 64-065-2022

Sponsored by: Councilmember Small

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

COM AT SE COR OF LOT 27 BLK 1 MERTZ CT SUB MBK 3/537 FOR THE POB OF PPTY HEREIN DESC TH CONT RUN SWLY DIR ALG N/L OF THOMPSON DR 100FT TO A PT BEING THE SW COR OF SD LOT 27 BLK 1 TH RUN N 31 DEG 25 MIN30 SEC W 223.24 FT TO PT ON S/S US HWY 90 TH RUN N ELY DIR ALG S/S USHWY 90 106 FT TO PT TH RUN E 133 FT TO PT SD PT BEING NE COR OF LOT 27 BLK 1 OF SD SUB TH RUN S 232.75 FT TO POB #SEC 51 T4S R1W #MP29 09 51 0006

The classification of said property is hereby changed from R-1, Single-Family Residential District and B-2, Neighborhood Business District to B-2, Neighborhood Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in B-2, Neighborhood Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be

in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-2, Neighborhood Business District until all of the conditions set forth below have been complied with: 1) either completion of the Subdivision process or provision of a 1962 or earlier deed

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describing the property in its current configuration; and, 2) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

REZONE PROPERTY LOCATED AT 1263 BAKER STREET, FROM R-2 AND I-2 TO I-2. The following ordinance was held over until the regular meeting of November 29, 2022.

ORDINANCE: 64-066-2022

Sponsored by: Councilmember Small

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

BEGINNING AT THE WESTERNMOST CORNER OF BLUE CREEK COAL SALES, INC SUBDIVISION, AS RECORDED IN MAP BOOK 129, PAGE 42 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA; THENCE RUN NORTH 51°-37'-39" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF BAKER STREET (VARIABLE R/W) A DISTANCE OF 97.10 FEET; THENCE RUN SOUTH 39°-15'-47" EAST A DISTANCE OF 1,107.03 FEET; THENCE RUN NORTH 73°-02'-06" EAST A DISTANCE OF 272.51 FEET; THENCE RUN SOUTH 16°-57'-54" EAST A DISTANCE OF 300.63 FEET; THENCE RUN SOUTH 74°-18'-51" WEST A DISTANCE OF 2,336.69 FEET; THENCE RUN SOUTH 17°-09'-59" EAST A DISTANCE OF 17.39 FEET; THENCE RUN SOUTH 74°-10'-09" WEST A DISTANCE OF 162.33 FEET; THENCE RUN NORTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (HAVE A DELTA OF 86°-42'-08", A RADIUS OF 40.50 FEET, A CHORD BEARING OF NORTH 62°-28'-46" WEST, AND A CHORD LENGTH OF 55.60 FEET) AN ARC DISTANCE OF 28.75 FEET; THENCE RUN NORTH 19°-07'-42" WEST A DISTANCE OF 66.15 FEET; THENCE RUN SOUTH 77°-18'-53" WEST A DISTANCE OF 118.95 FEET; THENCE SOUTH 07°-09'-

12" WEST A DISTANCE OF 272.43 FEET; THENCE RUN SOUTH 82°-20'-38" WEST A DISTANCE OF 50.26 FEET; THENCE RUN SOUTH 88°-15'-48" WEST A DISTANCE OF 82.45 FEET; THENCE RUN NORTH 84°-50'-55" WEST A DISTANCE OF 73.27 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID BAKER STREET; THENCE RUN NORTHEASTWARDLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE TO THE LEFT (HAVE A DELTA OF 55°-52'-18", A RADIUS OF 155.85 FEET, A CHORD BEARING OF NORTH 34°-59'-47" EAST, AND A CHORD LENGTH OF 146.03 FEET) AN ARC DISTANCE OF 151.98 FEET; THENCE RUN NORTH 06°-50'-11" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 279.28 FEET; THENCE RUN NORTHEASTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (HAVE A DELTA OF 20°-02'-14", A RADIUS OF 254.55 FEET, A CHORD BEARING OF NORTH 16°-51'-18" EAST, AND A CHORD LENGTH OF 88.57 FEET) AN ARC DISTANCE OF 89.02 FEET; THENCE RUN NORTH 26°-52'-25" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 255.92 FEET; THENCE RUN NORTHEASTWARDLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT (HAVE A DELTA OF 24°-45'-14", A RADIUS OF 365.00 FEET, A CHORD BEARING OF NORTH 39°-15'-02" EAST, AND A CHORD LENGTH OF 156.47 FEET) AN ARC DISTANCE OF 157.69 FEET; THENCE RUN NORTH 51°-37'-39" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 982.61 FEET; THENCE RUN NORTH 39°-20'-35" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 47.00 FEET; THENCE RUN NORTH 51°-37'-31" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 694.17 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 50.91 ACRES, MORE OR LESS.

The classification of said property is hereby changed from R-2, Two-Family Residential District, and I-2, Heavy Industrial District to I-2, Heavy Industrial District, and it shall hereafter be lawful to construct on such property any structures permitted by the

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Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in 1-2, Heavy Industrial District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a 1-2, Heavy Industrial District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and, 2) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider Resolutions 60-1021 through 60-1026 being introduced for the first time. The motion was seconded by Councilmember Reynolds, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The Presiding Officer declared unanimous consent granted for the item

CONSENT RESOLUTIONS BEING INTRODUCED

APPROVE AWARD OF SPECIAL BONUS TO THE FIREFIGHTER OF THE MONTH; NORTON. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-1021-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the following employee(s): **Fire Service Captain Jackson R. Norton (Emp #6755)** This employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE OFFICER OF THE MONTH; MCGUIRE. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-1022-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it

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authorize awards, pursuant to Section I-1-4 o-22 Code of Alabama t975, of 5500 each to the following employee: **October 2022: Officer Michael McGuire** The employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO ALABAMA ASSOCIATION ZETA PHI BETA SORORITY, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-1023-2022

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **\$1,000.00** to Alabama Association Zeta Phi Beta Sorority Inc., from his discretionary funds; and

WHEREAS, Alabama Association Zeta Phi Beta Sorority, Inc., is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Alabama Association Zeta Phi Beta Sorority Inc., will be used to assist with the Nu Zeta Zeta Chapter scholarship program, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,000.00** to Alabama Association Zeta Phi Beta Sorority Inc., for the purposes described herein above serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO STEWART MEMORIAL CHRISTIAN METHODIST EPISCOPAL CHURCH SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-1024-2022

Sponsored by: Councilmember Carroll

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WHEREAS, Councilmember Carroll wishes to appropriate **\$2,000.00** to Stewart Memorial Christian Methodist Episcopal Church, from his discretionary funds; and

WHEREAS, Stewart Memorial Christian Methodist Episcopal Church is an Alabama non-profit religious corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Stewart Memorial Christian Methodist Episcopal Church to assist with "We Are One Celebration" on November 6, 2022, to cover food, beverages and the children entertainment, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$2,000.00** to Stewart Memorial Christian Methodist Episcopal Church for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO REVITALIZEDIP SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-1025-2022

Sponsored by: Councilmember Small

WHEREAS, Councilmember Small wish to appropriate **\$2,500.00** to RevitalizeDIP, from his discretionary funds; and

WHEREAS, RevitalizeDIP, is an Alabama non-profit corporation which provides a service to the community: and WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to RevitalizeDIP will be used to assist with the 2nd annual festival on December 3, 2022, at the Gulf Dale Promenade including litter abatement, blight, car show, food, tents, table, and chairs, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$2,500.00** to RevitalizeDIP for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO FOREST HILL ELEMENTARY SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-1026-2022

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$2,000.00** to Forest Hill Elementary School, from her discretionary funds] and

WHEREAS, Forest Hill Elementary School, is public school in Mobile, Alabama, which the Council may support pursuant to Code of Alabama § 16-13-36; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Forest Hill Elementary School will be used to assist with screening the back porch and transforming the space into an outdoor classroom, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$2,000.00** to Forest Hill Elementary School for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH ALDOT FOR ALABAMA TRANSPORTATION REHABILITATION AND IMPROVEMENT PROGRAM PROJECT. The following resolution was held over until the regular meeting of November 29, 2022.

RESOLUTION: 08-1027-202

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order

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to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11</u>	2023	(1510) FIRE ADMINISTRATION	2022 CHEVROLET TAHOE LT SUV FOR MFRD (SEALED BID 5737)	\$57,933.00	<u>(293039) DONOHOO CHEVROLET LLC</u>

APPROVE PURCHASE ORDER TO TYLER TECHNOLOGIES, INC. FOR ANNUAL CONTINUING EDUCATION SERVES; \$18,655.69. The following resolution was held over until the regular meeting of November 29, 2022.

RESOLUTION: 08-1028-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>1292</u>	2023	(5000) INFORMATION TECHNOLOGY	TYLER TECHNOLOGIES PLANNED ANNUAL CONTINUING EDUCATION SERVICES (PROFESSIONAL SERVICE, SOLE SOURCE)	\$18,655.69	<u>(292630) TYLER TECHNOLOGIES INC</u>

AUTHORIZE CONTRACT WITH MELVIN PIERCE PAINTING, INC. FOR EXTERIOR RENOVATIONS AT THE HISTORY MUSEUM OF MOBILE; \$442,550.00. The following resolution was held over until the regular meeting of November 29, 2022.

RESOLUTION: 21-1029-2022

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: MELVIN PIERCE PAINTING, INC.

Project Name: HISTORY MUSEUM OF MOBILE - EXTERIOR RENOVATIONS

Project Number: MU-050-21

Amount: \$442,550.00

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AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BELL. The following resolution was held over until the regular meeting of November 29, 2022.

RESOLUTION: 60-1030-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized and directed to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Christopher Bell, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

APPROVE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; NELSON. The following resolution was held over until the regular meeting of November 29, 2022.

RESOLUTION: 60-1031-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized and directed to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Karrie Fayard Nelson, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

ADOPT THE “MASTER PLAN CIVIC CENTER SITE BY POPULOUS 2022”. The following resolution was held over until the regular meeting of November 29, 2022.

RESOLUTION: 60-1034-2022

Sponsored by: Councilmembers Carroll and Jones

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the “Master Plan Civic Center Site by Populous 2022” is hereby adopted.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BETHEL NON-EMERGENCY MEDICAL TRANSPORTATION, LLC TO OPERATE A NON-EMERGENCY MEDICAL TRANSPORT SERVICE (SCHEDULED FOR DECEMBER 6, 2022). The following ordinance was introduced by Councilmember Reynolds.

RESOLUTION: 41-1032-2022

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed resolution is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed resolution.

NOTICE OF HEARING ON PROPOSED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A NON-EMERGENCY MEDICAL TRANSPORT SERVICE Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Bethel Non-Emergency Medical Transportation, LLC to operate a Non-Emergency Medical Transport service in the City of Mobile. The adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile Government Plaza, located at 205 Government Street, Mobile, Alabama, on December 6,

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2022, at 10:30 a.m. At such time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed resolution.

Councilmember Reynolds then moved to call for the public hearing, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as December 6, 2022.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 6137 TODD ACRES DRIVE FROM R-A, B-5, I-1 AND I-2 TO I-2 (DISTRICT 4) (SCHEDULED FOR DECEMBER 20, 2022). The following ordinance was introduced by Councilmember Reynolds.

RESOLUTION: 41-1033-2022

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Notice of Public Hearing for the Proposed Rezoning of Property Located at 6137 Todd Acres Drive (West and east side of Todd Acres Drive; extending to the south side of Kooiman Road, 680' ± west of Todd Acres Drive) Pursuant to Resolution of the Mobile, Alabama City Council adopted November 22, 2022, a public hearing will be held on the 20TH day of December, 2022, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 6137 Todd Acres Drive (west and east side of Todd Acres Drive; extending to the south side of Kooiman Road, 680' ± west of Todd Acres Drive) from RA, Residential-Agricultural District, B-5, Office-Distribution District, I-1, Light Industrial District and I-2, Heavy Industrial District to I-2, Heavy Industrial District. The public hearing will be held at the History Museum of Mobile, 111 South Royal Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant, and may take other actions allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

LOT 1 Commencing at the Northwest corner of Section 35, Township 5 South, Range 2 West, Mobile County, Alabama, run South 89°-58'-56" East and along the North line of said Section, 2039.36 feet to the Point of Beginning of the property herein described, said point being the Northeast corner of Lot 5, Crigler Industrial Park, as recorded in Map Book 128, Page 89, Probate Court Records, Mobile County, Alabama; thence South 89°-58'-56" East and along the North line of said Section 35, a distance of 1100.68 feet to the Northeast corner of Lot 16, The Mobile Commerce Park Phase I, as recorded in Map Book 46, Page 42, said Probate Court Records; thence along said Lot 16 as follows: South 00°-39'-18" East, 177.81 feet to the PC of a 75.00 foot radius curve to the right; thence Southwardly and Westwardly along the arc of said curve (chord bears South 45°-08'-35"

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West, 108.27 feet), a distance of 120.95 feet; thence South 89°-56'-35" West, 165.09 feet; thence South 00°-07'-03" East and along the West line of Lot 15, said subdivision, a distance of 490.29 feet; thence North 89°-55'-17" East and along the South line of said lot, 141.63 feet; thence South 14°-33'-19" East, 100.30 feet to a point on the Western line of Lot 11, The Mobile Commerce Park Phase II, as recorded in Map Book 62, Page 72, said Probate Court Records; said point being in the arc of 449.91 foot radius curve to the left; thence Southwardly and Westwardly along the arc of said curve (chord bears South 37°-34'-10" West, 549.93 feet), a distance of 591.65 feet; thence North 89°-53'-09" East and along the South line of said lot, 396.41 feet to a point on the West line of Lot 10, said The Mobile Commerce Park Phase II; thence South 00°-01'-43" West, 326.34 feet; thence North 89°-41'-59" East and along the South line of Lot 10, The Mobile Commerce Park Phase II and Lot 2, The Mobile Commerce Park Phase II Resubdivision of Lot 9, as recorded in Map Book 120, Page 94, said Probate Records, a distance of 1486.84 feet; thence South 00°-00'-00" West, 1047.10 feet; thence South 89°-43'-31" East, 712.57 feet; thence South 00°-24'-25" East, 580.00 feet; thence continue South 00°-24'-25" East, 92.00 feet, more or less, to the centerline of Rabbit Creek, said point hereinafter referred to as Point A; thence Southwardly and Westwardly along the meanders of said creek, 4572.00 feet, more or less, to a point hereinafter referred to as Point B (mathematical tie from Point A to Point B bears South 44°-24'-53" West, 2651.72 feet); thence North 89°-35'-36" West, along the North line of property conveyed by instrument recorded in Land Records Book 7288, Page 303 and property recorded in Instrument No. 2020071069, said Probate Records, a distance of 2333 feet; thence South 00°-03'-18" East, 1327.26 feet to a point on the North line of property now or formerly of Waste Management of Alabama, said point being on the South line of the Northwest Quarter of the Northwest Quarter of Section 2, Township 6 South, Range 2 West; thence North 89°-20'-25" West and along the South line of said Northwest Quarter of Northwest Quarter and a projection thereof, a distance of 2815.98 feet; thence North 02°-13'-44" East, 611.24 feet; thence South 90°-00'-00" East, 1415.30 feet; thence North 00°-45'-49" West, 60.00 feet; thence South 90°-00'-00" East, 45.00 feet; thence North 00°-00'-00" East, 100.00 feet; thence South 90°-00'-00" West, 100.00 feet; thence South 00°-00'-00" West 100.00 feet to a point on the Northern right-of-way line of Giblin Road (60 foot right-of-way); thence North 90°-00'-00" West and along said North right-of-way line, 1357.17 feet; thence North 02°-13'-44" East, 644.15 feet; thence South 89°-35'-36" East, 1415.82 feet to the Southwest corner of Section 35, Township 5 South, Range 2 West; thence North 02°-15'-47" East and along the East line of property by instrument recorded in Land Records Book 7309, Page 985, said Probate Records, a distance of 1089.90 feet; thence South 89°-47'-19" West, 413.91 feet to a point on the Eastern right-of-way line of Todd Acres Road (100 foot right-of-way); thence North 44°-17'-45" East and along said East right-of-way line, 213.94 feet; thence North 89°-47'-19" East, 270.53 feet; thence North 02°-15'-47" East, 288.15 feet to a point on the South line of said Todd Acres Road; thence North 44°-17'-45" East and along said East right-of-way line, 286.34 feet to the PC of a 2914.93 foot radius curve to the left; thence Northwardly and Eastwardly along the arc of said curve (chord bears North 29°-14'-08" East, 1502.31 feet), a distance of 1519.45 feet; thence North 14°-18'-39" East 1610.39 feet to a point on the South line of Lot 7, said Crigler Industrial Park; thence along the South line of said Lot 1, run South 75°-38'-03" East, 466.20 feet; North 89°-55'-06" East, 399.98 feet; thence North 00°-04'-59" West, 695.31 feet to the Point of Beginning. Said property contains 492.2 acres, more or less.

And Lot 2

Commencing at the Northwest corner of Section 35, Township 5 South, Range 2 West, Mobile County, Alabama, run South 02°-13'-14" West and along the West line of said Section 35, a distance of 1376.75 feet to the Point of Beginning of the property herein described, said point being on the South right-of-way line of the Louisville and Nashville Railroad (100 foot right-of-way); thence South 02°-13'-49" West and along the West line of said Section 35, a distance of 925.00 feet; thence South 89°-53'-35" East, 30.02 feet; thence South 02°-13'-49" West, 1128.00 feet; thence South 42°-46'-11" East, 33.55 feet to a point on the Northern right-of-way line of Todd Acres Road (100 foot right-of-way); thence North 44°-18'-07" East and along said North right-of-way line, 94.77 feet to the PC of a 2814.93 foot radius curve to the left; thence Northwardly and Eastwardly along the arc of said curve (chord bears North 29°-14'-07" East, 1449.13 feet), a distance of 1465.63 feet; thence North 14°-20'-42" East and along said Northern right-of-way line, 1555.21 feet

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to a point on the South line of Crigler Industrial Park, as recorded in Map Book 128, Page 89, Probate Court Records, Mobile County, Alabama; thence North 75°- 38'-46" West and along the South line of said subdivision, 649.42 feet to a point on the Eastern right-of-way line of said Louisville and Nashville Railroad; thence South 28°-33'-54" West and along said Eastern right-of-way line, 1052.01 feet to the Point of Beginning.

The classification of said property is hereby changed from R-A, Residential-Agricultural District, B-5, Office-Distribution District, I-1, Light Industrial District, and I-2, Heavy Industrial District to I-2, Heavy Industrial District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in I-2, Heavy Industrial District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-2, Heavy Industrial District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and, 2) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

Councilmember Reynolds then moved to call for the public hearing, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory
Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as December 20, 2022.

ANNOUNCEMENTS

City Clerk, Lisa Lambert announced that the deadline for citizens to request to address the Council for the November 29, 2022, meeting is Wednesday, November 23, 2022, at 12:00 p.m.

Councilmember Jones announced the District 6 Christmas luncheon will be held on December 14, 2022, from 11:00 a.m. to 1:00 p.m. at the Connie Hudson Senior Center.

Councilmember Jones pointed out that South Alabama's final home football game for the season will be this Saturday.

Councilmember Penn reported that they gave away 1,000 boxes of groceries last week in District 1 for "Penns-Giving".

Councilmember Penn shared that they had a fitness challenge at the Fred Richardson Tricentennial Park and a clean-up day in District 1 this past weekend.

Councilmember Penn announced a parade will take place this Saturday at 11:00 a.m. to celebrate the LeFlore High School Days Alumni Event and "Penns-Giving" will be immediately following at the Michael Figures Community Center.

Councilmember Gregory announced the District 7 annual Christmas meeting will be held on December 5, 2022, at the Mobile Museum of Art at 6:00 p.m.

Councilmember Gregory stated that she will be sponsoring a ham giveaway along with Smith Memorial AME Church for Christmas from 8:00 a.m. – 11:00 a.m. on an upcoming date.

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Councilmember Small moved to adjourn the meeting, which move was seconded by Councilmember Reynolds and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:29 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK