

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 3, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 3rd day of May 2004 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: STEVE BRADFORD, NEAL WILLIS, DAVID YARBER
 JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD
ABSENT: NONE

Richard Williams, City Clerk of the City, was present and kept the minutes of the meeting.

David Bradford, Mayor of the City, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

Upon motion duly made by Council Member Holland, seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held meeting of April 26, 2004 and approved the minutes as written.

At this time, Mayor Bradford presented a proclamation declaring the week of May 8th - 16th as National Tourism Week in Muscle Shoals.

At this time, Mayor Bradford presented a renovated Blue Star By-way Memorial sign to the Highland Park Garden Club. The sign will be placed in front of City Hall.

Mayor Bradford announced that the next item of business was comments from the public. Gloria Bradshaw sought recognition and addressed the Council during the period of public comments.

Margie Oliver, 106 W. Ford, sought recognition and addressed the Council during the period of public comments.

Mayor Bradford announced that the next item of business was the award of a bid for hydraulic breaker for the public works department.

Council Member Willis thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2019-04

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama, as follows:

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of a hydraulic breaker, the bid opening being set for the 30th day of April, 2004, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

BIDDER:	BID AMOUNT:
Cowin Equipment Company	\$17,335.00
Thompson Tractor	\$19,283.00
United Rentals, Inc.	\$12,504.00

[3] The apparent lowest, responsive, and responsible bid is that of United Rentals, Inc.

BE IT HEREBY RESOLVED that the bid for the purchase of a hydraulic breaker be awarded to United Rentals, Inc. for the bid price of \$12,504.00.

Council Member Bradford seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved and the bid was awarded.

Mayor Bradford announced that the next item of business was the award of a bid for phase 2 of the sidewalk development funded under the Alabama Department of Transportation's Traffic Enhancement Program.

Council Member Bradford thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2020-04

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama, as follows:

[1] That the City Engineer did send out advertisements for bids for the construction of the 2003 Sidewalk Improvements (grading, drainage and concrete work), the bid opening being set for the 27th day of April, 2004, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>BID AMOUNT:</u>
Mitchell Industrial	\$386,577.36
Parallax Building Systems	\$326,123.00

[3] The lowest, responsible, responsive bidder, after evaluating and verifying the bid with the specifications, has been determined as Parallax Building Systems with a total bid price of \$326,123.00.

BE IT HEREBY RESOLVED that the bid for the construction of sidewalks be awarded to Parallax Building Systems for the bid price of \$326,123.00.

Council Member Yarber seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved and the bid was awarded.

Mayor David Bradford announced that the next item of business was the scheduling of a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 7:00 p.m. on the 7th day of June 2004, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described areas are hereby eliminated from the R-3 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots numbered 559 thru 561 (75' x 108') in Section 34 Township 3 Range 11W. Being on Central Avenue in Block 7 of Muscle Shoals Subdivision. Colbert County Tax Parcel I.D. number is 20-07-08-34-1-001-037.000

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

Mayor Bradford announced that the next item of business was consideration of an ordinance for annexing the property of Price Counts, Daniel Counts and Florence James located on the east side of Nathan Estates.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Noles thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, CLAUDE PRICE COUNTS, JR., JAMES DANIEL COUNTS, and FLORENCE COUNTS JAMES, being the owners of all of the hereinafter described real property, do hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

Tract 1:

The W 1/2 of the following described property:

The West 1/2 of the NW 1/4 of Section 8, Township 4 South, Range 10 West, containing 80 acres, more or less.

The NW 1/4 of the SW 1/4 of Section 8, Township 4 South, Range 10 West, containing 40 acres, more or less.

Tract 2

The E 1/2 of the following described property:

The West 1/2 of the NW 1/4 of Section 8, Township 4 South, Range 10 West, containing 80 acres, more or less.

The NW 1/4 of the SW 1/4 of Section 8, Township 4 South, Range 10 West, containing 40 acres, more or less.

Tract 3

A tract of land lying partly in the S 1/2 of the SE 1/4 of the SE 1/4 of Section 7 and partly in the N 1/2 of the NE 1/4 of Section 18, Township 4 South Range 10 West, more particularly described as follows:

Beginning at the Southeast corner of Section 7, Township 4 South, Range 10 West, thence North along the East line of said Section 7, 1320.5 feet, more or less, to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 7; thence run West 1886.30 feet to a point; thence run South 1903.6 feet, more or less, to the Northwest corner of that certain property now owned by the Southern Railway Company; thence run in a Southeasterly direction along said Southern Railroad Company property line a distance of 1888.4 feet, mor or less, to the Northeast corner of the said Southern Railroad Company property; thence run North a distance of 703.3 feet, more or less, to the point of beginning. Containing 85 acres, more or less.

For further identification, the above described tract is described in the assessment for 2003 as Parcel # 20-12-03-08-0-001-005-001 of Account # 20485; as Parcel # 20-12-03-07-4-001-003.000 and Parcel # 20-12-04-18-0-001-001.001 of Account # 22582 and Parcel # 20-12-03-08-0-001-005.000 in the Office of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of April 2004.

S/ Claude Price Counts L.S.
CLAUDE PRICE COUNTS, JR.

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that CLAUDE PRICE COUNTS, JR., whose name is signed to the foregoing and who is

known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 28th day of April 2004.

S/ Kathi Cameron

Notary Public

My Commission expires:7-22-2007

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of May 2004.

S/ James Daniel Counts L.S.

JAMES DANIEL COUNTS

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JAMES DANIEL COUNTS, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 3rd day of May 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 7/22/2007

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of May 2004.

S/ Florence Counts James L..S.

FLORENCE COUNTS JAMES

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that FLORENCE COUNTS JAMES, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 3rd day of May 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 7/22/2007

ORDINANCE NO. 1324-04

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

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

Tract 1:

The W 1/2 of the following described property:

The West 1/2 of the NW 1/4 of Section 8, Township 4 South, Range 10 West, containing 80 acres, more or less.

The NW 1/4 of the SW 1/4 of Section 8, Township 4 South, Range 10 West, containing 40 acres, more or less.

Tract 2

The E 1/2 of the following described property:

The West 1/2 of the NW 1/4 of Section 8, Township 4 South, Range 10 West, containing 80 acres, more or less.

The NW 1/4 of the SW 1/4 of Section 8, Township 4 South, Range 10 West, containing 40 acres, more or less.

Tract 3

A tract of land lying partly in the S 1/2 of the SE 1/4 of the SE 1/4 of Section 7 and partly in the N 1/2 of the NE 1/4 of Section 18, Township 4 South Range 10 West, more particularly described as follows:

Beginning at the Southeast corner of Section 7, Township 4 South, Range 10 West, thence North along the East line of said Section 7, 1320.5 feet, more or less, to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 7; thence run West 1886.30 feet to a point; thence run South 1903.6 feet, more or less, to the Northwest corner of that certain property now owned by the Southern Railway Company; thence run in a Southeasterly direction along said Southern Railroad Company property line a distance of 1888.4 feet, mor or less, to the Northeast corner of the said Southern Railroad Company property; thence run North a distance of 703.3 feet, more or less, to the point of beginning. Containing 85 acres, more or less.

For further identification, the above described tract is described in the assessment for 2003 as Parcel # 20-12-03-08-0-001-005-001 of Account # 20485; as Parcel # 20-12-03-07-4-001-003.000 and Parcel # 20-12-04-18-0-001-001.001 of Account # 22582 and Parcel # 20-12-03-08-0-001-005.000 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council

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

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Noles then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance for annexing the property of Price Counts, Daniel Counts and Florence James located on the north side of Sixth Street and currently under option to the City.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Noles thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

The undersigned, CLAUDE PRICE COUNTS, JR., JAMES DANIEL COUNTS, and FLORENCE COUNTS JAMES, being the owners of all of the hereinafter described real property, do hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

TRACT 1

The West 1/2 of the E 1/2 of the E 1/2 of Section 5, Township 4 South, Range 10 West, containing 80 acres, more or less.

LESS AND EXCEPT THEREFROM: 12 acres on the North end of the above described property.

ALSO, LESS AND EXCEPT THEREFROM:

A tract or parcel of land lying in the Southeast 1/4 of the Southeast 1/4 of Section 5,

Township 4 South, Range 10 West, Colbert County, Alabama, and being more fully described as follows: Beginning at the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 5; run thence North 0 degrees 43 minutes 05 seconds West for 664.85 feet (passing over a capped re-bar set at 48.58 feet on the North margin of East Sixth Street); run thence South 88 degrees 51 minutes 16 seconds East for 660.06 feet; run thence South 0 degrees 41 minutes 14 seconds East for 664.66 feet (passing over a capped re-bar set at 620.35 feet on the North margin of East Sixth Street) to a point in the right-of-way of East Sixth Street (80' R.O.W.); run thence North 88 degrees 52 minutes 13 seconds West for 659.70 feet to the point of beginning, containing 10.07 acres more or less and being subject to a portion of the right-of-way for East 6th Street off the South side thereof.

For further identification, the above described tract is described in the assessment as Parcel # 20-12- 03-05-0-001-008-001 of Account # 22583 in the Office of the Revenue Commissioner of Colbert County, Alabama.

TRACT 2

The East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 5, Township 4 South, Range 10 West, containing 40 acres, more or less in Colbert County, Alabama; together with the appurtenances.

LESS AND EXCEPT THEREFROM:

A two acre tract for cemetery in the SE corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 5, Township 4 South, Range 10 West, in Colbert County, Alabama.

TRACT 3

The East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5, Township 4 South, Range 10 West, containing 40 acres, more or less in Colbert County, Alabama.

LESS AND EXCEPT THEREFROM:

Part of Section 32, Township 3 South, Range 10 West and in Section 5, Township 4 South, Range 10 West, being more fully described as follows: Beginning at the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Township 3 South, Range 10 West, a concrete monument marked MSA-3 and being the Southeast Corner of the existing airport property; thence North 86 degrees 36 minutes, 30 seconds East a distance of 871.20 feet to a point; thence North 3 degrees 41 minutes 15 seconds East a distance of 227.54 feet to a point; thence South 70 degrees 45 minutes 30 seconds East a distance of 482.53 feet to a point; thence south 5 degrees 13 minutes 30 seconds East a distance of 195.01 feet to a point; thence South 19 degrees 14 minutes 30 seconds West a distance of 522.50 feet to a point; thence North 70 degrees 45 minutes 30 seconds West a distance of 1213.12 feet to a point; thence North 3 degrees 41 minutes 15 seconds West a distance of 168.48 feet to the point of beginning, containing 13.52 acres, more or less.

LESS AND EXCEPT THEREFROM:

A tract of land lying and being in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 4 South, Range 10 West, Colbert County, Alabama, and being more fully described as follows:

Begin at the Northeast corner of Section 5, Township 4 South, Range 10 West, Colbert County, Alabama, thence South 0 degrees 19 minutes East along the East line of the said Section 5 a distance of 1180.20 feet to a point; thence North 65 degrees 53 minutes West a distance of 734.32 feet to point; thence North 0 degrees 16 minutes West a distance of 439.21 feet to point on the Southerly line of the existing airport property; thence south 65 degrees 53 minutes East along the Southerly line of the existing airport property a distance of 494.23 feet to a point; thence North 24 degrees 07 minutes East and continuing along the Easterly property line of the existing airport property a distance of 400.97 feet to a point; thence North 0 degrees 23 minutes West and continuing along the Easterly line of the existing airport property a distance of 276.97 feet to a point on the Northerly line of the said Section 5; thence South 89 degrees 01 minutes East along the Northerly line of Section 5 a distance of 51.99 feet to the point of beginning of the tract herein described, containing 8.47 acres more or less.

For further identification, the above described tract is described in the assessment for 2003 as Parcel # 20-12-03-05-0-001-008-000 and of Account # 10727 in the Office of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.
2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.
3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of April 2004.

S/ Claude Price Counts L.S.

CLAUDE PRICE COUNTS, JR.

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that CLAUDE PRICE COUNTS, JR., whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 28th day of April 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 7-22-2007

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of May 2004.

S/ James Daniel Counts L.S.

JAMES DANIEL COUNTS

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JAMES DANIEL COUNTS, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 3rd day of May 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 7/22/2007

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of May 2004.

S/ Florence Counts James L.S.

FLORENCE COUNTS JAMES

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that FLORENCE COUNTS JAMES, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 3rd day of May 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 7/22/2007

ORDINANCE NO. 1325-04

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

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by

the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

TRACT 1

The West 1/2 of the E 1/2 of the E 1/2 of Section 5, Township 4 South, Range 10 West, containing 80 acres, more or less.

LESS AND EXCEPT THEREFROM: 12 acres on the North end of the above described property.

ALSO, LESS AND EXCEPT THEREFROM:

A tract or parcel of land lying in the Southeast 1/4 of the Southeast 1/4 of Section 5, Township 4 South, Range 10 West, Colbert County, Alabama, and being more fully described as follows: Beginning at the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 5; run thence North 0 degrees 43 minutes 05 seconds West for 664.85 feet (passing over a capped re-bar set at 48.58 feet on the North margin of East Sixth Street); run thence South 88 degrees 51 minutes 16 seconds East for 660.06 feet; run thence South 0 degrees 41 minutes 14 seconds East for 664.66 feet (passing over a capped re-bar set at 620.35 feet on the North margin of East Sixth Street) to a point in the right-of-way of East Sixth Street (80' R.O.W.); run thence North 88 degrees 52 minutes 13 seconds West for 659.70 feet to the point of beginning, containing 10.07 acres more or less and being subject to a portion of the right-of-way for East 6th Street off the South side thereof.

For further identification, the above described tract is described in the assessment as Parcel # 20-12- 03-05-0-001-008-001 of Account # 22583 in the Office of the Revenue Commissioner of Colbert County, Alabama.

TRACT 2

The East 1/2 of the East 1/2 of the SE 1/4 of Section 5, Township 4 South, Range 10 West, containing 40 acres, more or less in Colbert County, Alabama; together with the appurtenances.

LESS AND EXCEPT THEREFROM:

A two acre tract for cemetery in the SE corner of the NE 1/4 of the SE 1/4 of said Section 5, Township 4 South, Range 10 West, in Colbert County, Alabama.

TRACT 3

The East 1/2 of the East 1/2 of the NE 1/4 of Section 5, Township 4 South, Range 10 West, containing 40 acres, more or less in Colbert County, Alabama.

LESS AND EXCEPT THEREFROM:

Part of Section 32, Township 3 South, Range 10 West and in Section 5, Township 4 South, Range 10 West, being more fully described as follows: Beginning at the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 32, Township 3 South, Range 10 West, a concrete monument marked MSA-3 and being the Southeast Corner of the existing airport property; thence North 86 degrees 36 minutes, 30 seconds East a distance of 871.20 feet to a point; thence North 3 degrees 41 minutes 15 seconds East a distance of 227.54 feet to a point; thence South 70 degrees 45 minutes 30 seconds East a distance of 482.53 feet to a point;

thence south 5 degrees 13 minutes 30 seconds East a distance of 195.01 feet to a point; thence South 19 degrees 14 minutes 30 seconds West a distance of 522.50 feet to a point; thence North 70 degrees 45 minutes 30 seconds West a distance of 1213.12 feet to a point; thence North 3 degrees 41 minutes 15 seconds West a distance of 168.48 feet to the point of beginning, containing 13.52 acres, more or less.

LESS AND EXCEPT THEREFROM:

A tract of land lying and being in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 4 South, Range 10 West, Colbert County, Alabama, and being more fully described as follows:

Begin at the Northeast corner of Section 5, Township 4 South, Range 10 West, Colbert County, Alabama, thence South 0 degrees 19 minutes East along the East line of the said Section 5 a distance of 1180.20 feet to a point; thence North 65 degrees 53 minutes West a distance of 734.32 feet to point; thence North 0 degrees 16 minutes West a distance of 439.21 feet to point on the Southerly line of the existing airport property; thence south 65 degrees 53 minutes East along the Southerly line of the existing airport property a distance of 494.23 feet to a point; thence North 24 degrees 07 minutes East and continuing along the Easterly property line of the existing airport property a distance of 400.97 feet to a point; thence North 0 degrees 23 minutes West and continuing along the Easterly line of the existing airport property a distance of 276.97 feet to a point on the Northerly line of the said Section 5; thence South 89 degrees 01 minutes East along the Northerly line of Section 5 a distance of 51.99 feet to the point of beginning of the tract herein described, containing 8.47 acres more or less.

For further identification, the above described tract is described in the assessment for 2003 as Parcel # 20-12-03-05-0-001-008-000 and of Account # 10727 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Noles then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Holland and,

upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance for annexing the property of Martha Hollis located on the south side of E. Sixth Street.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Noles thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, MARTHA HOLLIS, being the owner of all of the hereinafter described real property, does hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

Tract 1:

A tract or parcel of land lying in the East ½ of the East ½ of Section 8, Township 4 South, Range 10 West, Colbert County, Alabama, and being more fully described as follows: Beginning at an existing cotton spindle in the center of County Road No. 24 (East 6th Street) being the Northeast corner of said Section 8; run thence South 2 Degrees 15 Minutes 33 Seconds West for 1430.77 Feet to a ½” capped re-bar set; run thence North 88 Degrees 52 Minutes 12 Seconds West for 1215.56 Feet to a ½” capped re-bar set in an old fence; run thence North 0 Degrees 27 Minutes 20 Seconds West with fence for 413.99 Feet; run thence North 0 Degrees 40 Minutes 02 Seconds West with fence for 241.65 Feet; run thence North 0 Degrees 46 Minutes 36 Seconds West with fence for 354.07 Feet; run thence North 0 Degrees 48 Minutes West with fence and its extensions for 420.42 Feet to a nail and bottle cap set 8.4’ South of the centerline of East 6th Street; run thence South 88 Degrees 52 Minutes 13 Seconds East for 1289.42 Feet to the point of beginning, containing 41.10 acres, more or less.

Tract 2:

A tract of land lying in the NE ¼ of Section 8, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Northeast corner of said Section 8; thence South along the East line of Section 8, 405 feet to the point of beginning of the tract of land hereby described; said point of beginning lying on a fence line; thence along said fence line and along the East line of Section 8, South 184 feet to a point; thence West 280 feet to a point; thence North 184 feet to a point; thence East 280 feet to the point of beginning of the tract of land hereby described; said tract of land contains 1.2 acres.

Also, an easement, said easement lying fifteen (15) feet on either side of a centerline with said centerline being more particularly described as follows: Commence at the Northeast corner of said Section 8, Township 4 South, Range 10 West, Colbert County, Alabama; thence West along the North line of Section 8, a distance of fifteen (15) feet to the point of beginning of the centerline of said thirty (30) foot road easement; thence S 26° 30' 30" W, 452.58 feet to the ending point of the centerline of said thirty (30) foot road easement, said ending point lying on the North line of the aforesdescribed tract of 1.2 acres.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-08-0-001-001.001 and Parcel # 20-12-03-08-0-001-001.002 under the assessment in Account # 22841 in the Office of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represents unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitutes all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.
2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.
3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petitions the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and requests that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of April 2004.

S/ Martha Hollis L.S.
MARTHA HOLLIS

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that MARTHA HOLLIS, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 26th day of April 2004.

S/ Kathi Cameron

Notary Public

My Commission expires:7/22/2007

ORDINANCE NO. 1326-04

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

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

Tract 1:

A tract or parcel of land lying in the East ½ of the East ½ of Section 8, Township 4 South, Range 10 West, Colbert County, Alabama, and being more fully described as follows: Beginning at an existing cotton spindle in the center of County Road No. 24 (East 6th Street) being the Northeast corner of said Section 8; run thence South 2 Degrees 15 Minutes 33 Seconds West for 1430.77 Feet to a ½” capped re-bar set; run thence North 88 Degrees 52 Minutes 12 Seconds West for 1215.56 Feet to a ½” capped re-bar set in an old fence; run thence North 0 Degrees 27 Minutes 20 Seconds West with fence for 413.99 Feet; run thence North 0 Degrees 40 Minutes 02 Seconds West with fence for 241.65 Feet; run thence North 0 Degrees 46 Minutes 36 Seconds West with fence for 354.07 Feet; run thence North 0 Degrees 48 Minutes West with fence and its extensions for 420.42 Feet to a nail and bottle cap set 8.4’ South of the centerline of East 6th Street; run thence South 88 Degrees 52 Minutes 13 Seconds East for 1289.42 Feet to the point of beginning, containing 41.10 acres, more or less.

Tract 2:

A tract of land lying in the NE ¼ of Section 8, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Northeast corner of said Section 8; thence South along the East line of Section 8, 405 feet to the point of beginning of the tract of land hereby

described; said point of beginning lying on a fence line; thence along said fence line and along the East line of Section 8, South 184 feet to a point; thence West 280 feet to a point; thence North 184 feet to a point; thence East 280 feet to the point of beginning of the tract of land hereby described; said tract of land contains 1.2 acres.

Also, an easement, said easement lying fifteen (15) feet on either side of a centerline with said centerline being more particularly described as follows: Commence at the Northeast corner of said Section 8, Township 4 South, Range 10 West, Colbert County, Alabama; thence West along the North line of Section 8, a distance of fifteen (15) feet to the point of beginning of the centerline of said thirty (30) foot road easement; thence S 26° 30' 30" W, 452.58 feet to the ending point of the centerline of said thirty (30) foot road easement, said ending point lying on the North line of the aforescribed tract of 1.2 acres.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-08-0-001-001.001 and Parcel # 20-12-03-08-0-001-001.002 under the assessment in Account # 22841 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Noles then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute an agreement for the support of the City for a W. C. Handy Festival event in the City.

Council Member Holland thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2021-04

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has been requested by Calvin Cain and Jerry Layne for support of a W.C. Handy Festival event to be held within the City during the 2004 W.C. Handy Festival;

WHEREAS, the City and Cain and Layne have agreed upon terms and conditions for the support and the Council has determined that the terms and conditions are as agreed upon by the City; and

WHEREAS, the City Council finds that the proposed event will provide a positive economic impact on the City and its businesses; and

WHEREAS, the City Council has reviewed the contents of an instrument styled Agreement and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to Cain and Layne; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with the said Agreement as above described;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to execute the instrument styled Agreement with Calvin Cain and Jerry Layne, same providing for the support of the City for a W.C. Handy Festival event within the City; and

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the said Agreement with Calvin Cain and Jerry Layne that he may deem necessary for and on behalf of the City;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Calvin Cain and Jerry Layne along with the executed instrument styled Agreement herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

Council Member Yarber seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved .

Mayor Bradford announced that the next item of business was consideration of a resolution appointing animal control officers as agents of the City to enforce provisions of the City's animal control ordinance.

Council Member Yarber thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2022-04

WHEREAS, the Code of Alabama provides for the appointment of trained agents for the inspection of alleged violations of cruelty to animals ; and

WHEREAS, the City Council of the City of Muscle Shoals finds that an animal control officer is provided for under the City Code of the City of Muscle Shoals, Alabama; and

WHEREAS, the Council deems it expedient that trained agents be appointed to protect animals from cruelty and further finds that under the Code of Alabama that such appointments may be made for said purposes; and

WHEREAS, the Council determines that the officers appointed be employees of the Colbert County Animal Control Association and be authorized to inspect violations of cruelty to animals and other violations of the City's animal control ordinances; and

WHEREAS, the Council duly notes that the Mayor has made certain appointments to inspect and assist in the inspection of alleged violations of cruelty to animals and of the City's animal control ordinances and the Council is desirous of approving said appointments;

BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the appointments of the Mayor of Wendy Young, Tammy Nabors, Richie Michael and Tommy Morson as trained agents of the City to assist in the inspection of alleged violations of cruelty to animals under the provisions of the Code of Alabama and enforcement of the City's animal control ordinances are hereby approved for so long as said named person remain employed by the Colbert County Animal Control Association.

BE IT FURTHER RESOLVED by the Council that said persons shall not be employees of the City, nor construed as such, and shall receive no compensation nor benefits from the City.

Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved .

Mayor Bradford announced that the next item of business was consideration of an ordinance amending the animal control ordinance.

Council Member Bradford thereupon introduced the following ordinance which was presented in the meeting in writing:

ORDINANCE NUMBER 1327-04

AN ORDINANCE AMENDING ORDINANCE NUMBER 1154-95 AND ORDINANCE NUMBER 1169-96 OF THE CITY OF MUSCLE SHOALS, ALABAMA RELATING TO ANIMAL CONTROL AND THE ESTABLISHMENT OF LEASH PROVISIONS AND THE CIRCUMSTANCES THEREFOR AND A PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama as follows:

I. Article I of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article I of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama, which was adopted on July 1, 1996 is hereby amended so that Article I shall read in its entirety as follows:

ARTICLE I. IN GENERAL.

The following words, terms and phrases, when used herein, shall have the meaning ascribed to them by the definitions set forth herein, except where the context clearly indicates a different meaning.

Section 1. Definitions.

As used in this chapter, the definitions of the following terms are:

Animal : living creature, domestic or wild.

Animal control officer: The head or any other person designated by the city as a law enforcement officer relating to matters involving animals, or the city license inspector or anyone employed under supervision of the city license inspector's office.

Animal control center : The Colbert County Animal Control Incorporated.

Animal shelter: Any premises designated by the city for the purpose of impounding and caring for animals held under authority of this chapter.

At large: Any animal when it is off the property of its owner or person in charge and not carried by said person, kept in an effective enclosure or controlled 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 and attacking persons or animals is deemed to be at large. Provided, however, that a dog which is not vicious or presumed to be vicious, and which is obedient either by training or temperament, shall not be considered "at large" while upon a public street or other public place and in the immediate presence and under voice control of its owner or a competent handler. A dog which is more than fifty (50) feet from the actual location of its handler shall not be considered in the immediate presence of and under voice control of said handler.

Bitten: Seized with teeth or jaws, such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a licensed physician.

Caged: Confined in a container, which may include a vehicle, in such a way that the free movement of an animal is restrained and so as to prevent the animal so caged from biting or attacking a person or animal.

Canine training center: Any place that trains dogs for guard work for the general public.

Cat: Any member of the domestic feline family.

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

Dog: Any member of the domestic canine family.

Dog presumed to be vicious: Any dog which is known by the owner or person in charge habitually to chase moving vehicles or to charge persons on the public streets and other public ways, whether or not such dog has actually bitten or attacked a person or other animal.

Fowl: Any fowl of the duck, goose, chicken, guinea, peacock or pigeon or species or type.

Hobby breeder: Anyone who sells, offers for sale, or lets for hire for breeding purposes two (2) or more dogs and/or cats, the owner or proprietor of which does not possess a license to conduct wholesale or retail business for the purpose of selling animals.

Horse: Any member of the equine family.

Keep: To confine, harbor, and allow to remain.

Kennel: Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.

Obedience school: Any place which trains dogs on obedience for home and show use where owner and dog attend together.

Owner: Any person, partnership or corporation owning, keeping or harboring animals.

Person: An individual, partnership, company or corporation.

Restraint: An animal shall be deemed to be under restraint if on the premises of its owner, confined by a fence or securely restrained within the premises by a leash affixed to a securely fixed object, or is on a leash or if its action does not cause conditions resulting in a nuisance.

Stray animal: Any animal running at large, the owner or person in charge of which is unknown.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals or the boarding of animals.

Vicious animal: Any animal which is known to have bitten or attacked a person or other animal without adequate provocation or cause; or, additionally, in the case of a dog, one which has been trained as a guard dog or otherwise to attack persons or domestic animals.

Section 2. Animal Control officer.

(a) There is hereby designated within the city the position of director of animal control or animal control officer. The director or officer shall be designated or appointed by the mayor subject to the approval of the city council.

(b) It shall be unlawful for any person knowingly and willfully to oppose or resist the director or animal control officer or any of his assistants in executing or attempting to execute any lawful process or in attempting to make or in making any lawful arrest or in the discharge of any regular duty, or in any way to interfere with, hinder or prevent any such officer from discharging his duty.

Section 3. Public nuisance.

No owner shall fail to exercise the proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous, and untimely barking, molesting passers-by, chasing vehicles, habitually attacking other animals, trespassing upon school grounds, turning over garbage cans or otherwise scattering garbage, or trespassing on private property in such a manner as to damage property or cause unsanitary conditions shall be deemed a nuisance and unlawful.

Section 4. Cruelty to animals.

No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care and when needed to prevent suffering, and humane care and treatment. No person shall beat, cruelly ill-treat,

torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans; no owner of an animal shall abandon such animals nor stake an animal in a cruel and unorthodox manner. No person shall crop a dog's ears or tails. No person except a qualified veterinarian may spay a female dog or cat. It shall be unlawful and declared a public nuisance for any owner or person to harbor a dog or dogs under such unsanitary conditions that the maintenance or keeping of same creates vile smells to the annoyance of the public in the vicinity. Failure to comply with this section shall result in revoking permits and levying fines on the owner.

Section 5. Sales.

No person or business may sell baby rabbits as pets or novelties or sell chickens or ducklings younger than eight (8) weeks of age in quantities of less than twenty-five (25) to a single purchaser.

Section 6. Transporting and abandoning animals.

It shall be unlawful for any person to transport any domestic animal into the city or police jurisdiction thereof to subsequently abandon or set loose said animal with the intent of avoiding the responsibility for its custody and care. It shall likewise be unlawful for any person to transport any domestic animal outside the city into the police jurisdiction thereof and subsequently abandon or set loose said animal with the intent of avoiding the responsibility for its custody and care. Violation of this section will result in a cruelty to animals fine.

Section 7. Dogs and cats - Restraint.

(a) Dogs. All dogs shall be kept under restraint or prevented from being at large.

(b) Cats. It shall be unlawful for the owner or any person having custody or control of any cat within the corporate limits or the police jurisdiction of the city to allow said cat to run at large if said cat habitually causes destruction or damage to the property of another or creates a nuisance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made by the aggrieved party before a judge or magistrate of the municipal court and a warrant issued by said judge or magistrate.

Section 8. Same - Confinement of females when in heat or season.

Every female dog or cat in heat or season shall be confined by the owner or harbinger of such animal in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Section 9. Keeping fowl.

It shall be unlawful for any person to keep any in such a manner that shall cause a public nuisance or shall allow such fowl to be at large.

Section 10. Guard dogs.

Any dog trained for guard dog protection must be registered with the city or Colbert County Animal Control Association as such. A "guard dog on duty" sign must be posted where the sign can easily be seen. There shall be no guard dog training center located inside the city limits.

Section 11. Guide dogs.

No owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion picture house, public educational institution or elevator shall refuse to permit a guide dog to accompany a blind or handicapped person entering such place or making use of the

accommodation available when such blind or handicapped person is being led by the guide dog; provided that such guide dog is wearing a harness; and provided further that such blind or handicapped person shall present for inspection credentials issued by an accredited school for training guide dogs.

Section 12. Use of humane traps by animal control officer.

The animal control officer is authorized, in order to apprehend animals in violation of this chapter which are otherwise difficult to apprehend, to use traps designed to capture humanely said animals by placing same upon public property of the city, upon the right-of-way of any public street or highway, or upon the private property of any person granting permission therefor. The animal control officer shall check such traps and remove captured animals therefrom to the animal control center where they shall be disposed of as otherwise provided herein.

Section 13. Penalties for violation of chapter.

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00). If any violation be continuing, each day's violation shall be deemed a separate violation. If any person be found guilty by a court of violating the section prohibiting cruelty to animals, his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued for a period of one year and upon a second conviction, no permit shall issue to such person during any time.

II. Article II of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article II of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama, which was adopted on July 1, 1996 is hereby amended so that Article I shall read in its entirety as follows:

ARTICLE II. PERMITS, LICENSES, AND FEES

Section 1. Permits.

(a) No person shall, without first obtaining a permit therefor in writing from the city license inspector or his designated agent, own, keep, harbor, or have custody of any dogs or cats over three (3) months of age, except that this section shall not apply to the keeping of small cage-birds or aquatic and amphibian animals solely as pets.

(b) Such certificate of rabies inoculation, as required by law, by a licensed veterinarian for each dog and cat in the owner's custody shall serve as the permit for the dog or cat in lieu of any other permit or license. The rabies vaccination certificate shall be good for a period of one year.

(c) No permit shall be issued in the name of any person under eighteen (18) years of age unless a parent or guardian accepts responsibility for care of the animal.

Section 2. Impoundment fees.

(a) All impoundment fees will be retained by the Colbert County Animal Control Association.

(b) All fees concerning females at large will be retained by the Colbert County Animal Control Association.

(c) A permit, if not revoked, shall be valid for and during the period of time and as long as the current certificate of inoculation is valid. Such certificate of rabies inoculation shall be the permit required by the City. Such certificate of inoculation, though valid pursuant to law for the

proof of inoculation may be revoked for the purpose of being the permit required by the City and if so, shall no longer be accepted as the permit required hereunder by the City.

Section 3. Revocation of permit for lack of compliance; right to inspect.

The city license inspector or his designee shall revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the city license inspector, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all animals being owned, kept or harbored by such person and no part of the permit fee shall be refunded. It shall be the condition of the issuance of any permit to any owner of animals kept for commercial purposes that humane officers and the city license inspector shall be permitted to inspect all animals and the premises where animals are kept at any time and the city license inspector shall, if permission for such inspections is refused, revoke the permit of the refusing owner.

Section 4. Applicability of provisions to nonresidents.

The sections of this chapter requiring a permit shall not apply to nonresidents of the city who are keeping only domestic pets, provided that animals of such owners shall not be kept in the city longer than thirty (30) days and that the animals are kept under restraint.

III. Article III of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article III of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama, which was adopted on July 1, 1996 is hereby amended so that Article I shall read in its entirety as follows:

ARTICLE III. RABIES CONTROL

Section 1. Impoundment

(a) Unrestrained dogs may be taken by police, the animal control officers and be impounded in an animal shelter, and there confined in a humane manner. Impounded dogs shall be kept for five (5) days unless reclaimed by their owners. The maximum time animals will be kept is seven (7) days. If by a permit tag or by other means the owner can be identified, the animal control officer shall immediately notify the owner of the animal by telephone or certified mail. Dogs not claimed by their owners within seven (7) days from impoundment date shall be sold or humanely disposed of by the agency delegated by the city to exercise that authority. If the animal is sold, the animal shelter is entitled to the proceeds of the sale. Dogs creating a nuisance under the provisions of this ordinance will be likewise impounded, whether under restraint or not.

(b) After a dog or cat has been confined for the period of time provided by this chapter and if the owner or person in charge entitled to possession fails to make application for the release of such dog or cat, as herein provided, or fails to pay the charges as herein provided, or fails to pay for the proper inoculation for rabies, or if such satisfactory evidence as required by this chapter was not provided, then such dog or cat is hereby declared a nuisance and a danger to the health, safety and welfare of the city and the humane officer shall cause such dog or cat to be humanely destroyed as herein provided; however, any dog or cat under two (2) weeks old or whose eyes have not opened since birth may be humanely disposed of immediately upon being impounded where it has been found in violation of this chapter.

(c) Any confined dog or cat that is injured or diseased will, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian or the animal control officer

found that such destruction is necessary to prevent unnecessary suffering, to prevent the spread of disease, or because the animal is incurable. A written statement to this effect shall be signed by those inspecting the animal and such statement shall be retained by the director for a period of one year. The animal control officer, when required to dispose of dogs or cats under the provisions of this chapter shall do so by such process as is recognized by veterinary science as being a humane manner in which to destroy dogs and cats.

Section 2. Redemption of impounded dogs or cats.

(a) The owner or person in charge entitled to possession of any dog or cat confined under the provisions of this chapter may recover possession of such dog or cat upon payment of charges set forth in this chapter. The owner must also produce a certificate of evidence satisfactory to the proper authority that such dog or cat has, within twelve (12) months prior to being confined, been inoculated for rabies by a licensed veterinarian and also evidence that all required license fees have been paid for the current year. If the owner or person in charge entitled to possession of any dog or cat so confined is unable to produce a certificate of satisfactory evidence of inoculation for rabies by a licensed veterinarian and of proper licensing of said dog or cat within the twelve-month period prior to confinement of the dog or cat, then before the humane officer shall release the dog or cat, such dog or cat shall be duly inoculated for rabies by a licensed veterinarian at the expense of the owner or person in charge entitled to possession of said dog or cat and shall also upon payment of the proper fee therefor be properly licensed before said release.

(b) It shall be unlawful for any employee of the animal control center to redeem any dog or cat or become directly or indirectly interested in the redemption of any dog or cat not owned by such employee of the animal control center prior to being impounded by the director or animal control officer.

Section 3. Fees for redemption of impounded animals.

An owner reclaiming an impounded animal shall pay the appropriate fine plus a fee of Ten dollars (\$10.00) plus Five dollars (\$5.00) per day for each day that the animal has been impounded to a maximum fee of Forty dollars (\$40.00). The owner may also be charged for violation of this chapter and the owner's permit may be revoked.

Section 4. Animal bites; quarantine of animal.

Any animal which bites a person shall be quarantined for ten (10) days in a veterinary hospital for observation at the expense of the owner. The animal shall be securely confined and kept from contact with any other animals during the quarantine period. Sentry or guard dogs used in law enforcement work shall be exempt from the quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies is provided, but shall be examined by a licensed veterinarian at the end of ten (10) days after such bite.

Section 5. Quarantine of suspected rabid animals.

No animal control officer shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the opinion of rabies is given by a licensed veterinarian. If a veterinarian renders an opinion of rabies in an animal in quarantine, the animal shall be humanely killed and the head of such animal sent immediately to a laboratory for pathological examination and confirmation of the opinion.

Section 6. Unlawful to keep wild, dangerous or exotic animal without permit

_____ It shall be unlawful for any person to keep any wild, dangerous or exotic animal or fowl within the city without a written permit issued by the city license inspector which shall specify

the conditions under which the animal must be kept. No permit shall be given to any wolf or wolf hybrid animal.

Section 7. Keeping of swine

_____ It shall be unlawful for any person to keep within the city any hog or other animal of the swine family, with the exception of a Vietnamese pot-bellied pig if kept as a household pet.

Section 8. Keeping of cattle and horses

_____ It shall be unlawful to keep cattle within the corporate limits of the city except on established farms where said cattle have been maintained and kept prior to the passage of this ordinance. Horses shall be kept more than 100 feet from any residence, business, house, church or school other than the residence of the owner of the horses.

Section 9. Proper enclosures required

(a) It shall be unlawful and shall constitute a public nuisance for any person having charged, custody or control of any animal in any enclosure in the city, unless such enclosure is so constructed and maintained that any animal kept therein is securely confined and prevented from escaping therefrom. The running at large of any animal or fowl shall be prima facie evidence that the enclosure wherein the animal was kept is not constructed and maintained according to the requirements of this section and that the keeping of the animal in such enclosures is unlawful. A proper enclosure shall include a chemical, electric or fence so designed to keep an animal securely enclosed and on and within the property of the owner of the animal.

_____ (b) For the protection of the public health, it shall be the duty of every person who keeps any animal in an enclosure within the city at all times to maintain the premises or area where such animal is confined in a sanitary condition; to prevent the hatching of any fly or insect larvae; to prevent offensive odors emanation therefrom; to permit the animal control officer or health officer to go on the premises at any reasonable time to inspect the premises; and to comply with all reasonable requirements and directions given by the animal control officer or health officer, pertaining to public health, sanitation, fly or insect larvae control and to the prevention of offensive odors.

_____ (c) Any person, having care, custody or control of any premises where any animal is kept confined or in an enclosure, who is given a written notice or health officer pointing out any conditions which exist in violation of the provisions of this section and who fails to remedy such conditions within five days from the receipt of the notice shall be guilty of a misdemeanor.

(d) Any person who fails within five days after the receipt of the notice from the animal control officer or the health officer to correct the conditions pointed out therein shall be guilty of a misdemeanor and shall be not be allowed to further keep or maintain the domestic animal within the city.

(e) Any person keeping an animal within the city in such a manner that is unsanitary or in such a manner that allows the hatching of any fly or insect larvae or causes offensive or vile odors to emanate therefrom as a result of the keeping of said animal shall be guilty of a misdemeanor. The animal control officer shall be empowered to enforce violations of the provisions of this Ordinance by issuing citations for the violation or filing complaints in order to bring the offender before the municipal court of the City of Muscle Shoals, Alabama.

Section 10. Failure to comply with notice relative premises

_____ (a) Any person having charge, custody or control of any premises where any animal or fowl is kept who is given written notice by the animal control officer or health officer, pointing out any conditions which exist in violation of the provisions of this chapter and who

fails to remedy such condition within five days from the receipt of the notice shall be guilty of a misdemeanor.

(b) It shall be unlawful for any person who fails within five days after the receipt of such notice from either the animal control officer or health officer to correct the conditions pointed out therein, to further keep or maintain the animal or fowl within the city.

Section 11. Enforcement powers of animal control officer.

(a) The animal control officer shall be empowered to issue citations for violations of the provisions of this Ordinance and is authorized to investigate the commission of misdemeanors and present himself before the City Magistrate for the purposes of making affidavits, filing complaints or presenting evidence and testimony in connection with the enforcement of the provisions of this Ordinance.

_____ (b) The municipal court of the City of Muscle Shoals shall have the jurisdiction to hear cases made under the provisions of this Ordinance.

IV. Article IV of Ordinance Number 1154-95 of the City of Muscle Shoals, Alabama, which was adopted by on May 1, 1995 and Article IV of Ordinance Number 11-69-96 of the City of Muscle Shoals, Alabama, which was adopted on July 1, 1996 is hereby amended so that Article I shall read in its entirety as follows:

ARTICLE IV. GENERAL PROVISIONS

Section 1. Construction.

The provisions of this ordinance shall be deemed and constructed to be an exercise of the police power of the city for the preservation and protection of public safety and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

Section 2. Severability and repeal.

It is declared that the provisions of this ordinance are severable and if any provision shall be declared unconstitutional or unenforceable by the valid judgment or order of a court of competent jurisdiction, such finding shall not affect any of the remaining provisions of this ordinance. Nothing in the ordinance shall act to repeal any prior enactments of the city nor effect their validity unless and except that the provisions of this ordinance be in direct conflict therewith.

Section 3. Penalties for violations.

The penalties for violations of any unlawful act or misdemeanor shall be those penalties fo violation of the Code of Muscle Shoals, Alabama as set forth in Chapter 1, Section 1-7 of the Code of Ordinances of the City of Muscle Shoals, Alabama.

Section 4. Effective date.

This ordinance, and its provisions, shall be effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Bradford moved that unanimous consent be given for immediate consideration of and adoption of said resolution, which motion was seconded by Council Member Yarber and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved.

Council Member Bradford then moved that the said resolution be finally adopted, which motion was seconded by Council Member Yarber, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution releasing Butler-Hebert Enterprises Inc. dba Chuckie Cheese from liability for the use of playground equipment donated to the City.

Council Member Noles thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NO. 2023-04

WHEREAS, the City has been offered certain items of playground equipment by Butler-Hebert Enterprises, Inc. dba Chuckie Cheese; said playground equipment being donated to the City at no expenses to the City; and

WHEREAS, the City has examined the playground equipment and finds that it is usable and that the City will be able to use said equipment and that said use will be beneficial to the City and its citizens; and

WHEREAS, the City Council has determined that the said equipment is acceptable to the City and the City Council does hereby acknowledge its acceptance and offers its gratitude to the said Butler-Hebert Enterprises, Inc. dba Chuckie Cheese for its offer of the equipment; and

WHEREAS, the said Butler-Hebert Enterprises, Inc. dba Chuckie Cheese requests that the City relieve and absolve it, its officers and employees from any liability connected with and arising from the use of the playground equipment and the City Council finds that said request is reasonable and judicious and is within the bounds of generally accepted business practices and further desires to grant said request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that City does hereby release, relieve and absolve Butler-Hebert Enterprises, Inc. dba Chuckie Cheese, its officers and employees, from any and all liability, loss, damage or expense in connection with and arising from the use of the playground equipment donated to the City and does further agree to indemnify and hold harmless it, its officers and employees any liability, loss, damage or expense in connection with and arising from the use of the playground equipment donated to the City.

BE IT FURTHER RESOLVED that the City shall hereafter be the sole owner of said playground equipment and shall solely determine the placement and use, or not, of the said playground equipment.

BE IT FURTHER RESOLVED that the Clerk is directed to prepare a certified copy of this Resolution and shall cause a copy of same to be delivered to Mr. Ira Butler of Butler-Hebert Enterprises, Inc. dba Chuckie Cheese and shall retain a copy of same in the City's files.

Council Member Holland seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved .

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK