



**July/August**

**2013**

### **OFFICERS**

President	Kaye Stevenson	334-263-0228
Vice President	Frank Dreyfus	334-567-8009
Secretary	Marie Lundbom	334-221-9953
Treasurer	Mike Frakes	334-324-2570

### **BOARD MEMBERS**

Corrine Dreyfus 334-567-8009 Amie Perez 813-997-6249 Trigg Grieshop 334-409-2998

#### **Mark Your Calendars**

<b>When:</b>	Wednesday, August 21, 2013
<b>Where:</b>	Goodwyn Community Center on Perry Hill Road
<b>Time:</b>	7:00 P.M.
<b>Program:</b>	Nominations

(Please Remember Everyone Brings Refreshments)

The "Tailwagger" is the official newsletter of the Montgomery Kennel Club Inc. Its purpose is to share information among Club Members and other interested parties. Articles and/or opinions expressed in this newsletter do not necessarily constitute an endorsement by the Montgomery Kennel Club, Inc. Articles may be quoted if credit is given the article and the "Tailwagger". Deadline is the 30<sup>th</sup> of the month. Annual Ads (1/4 page) = \$20.00. Breeders Directory = \$12.00

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**WEB SITE: [www.montgomerykennelclub.org](http://www.montgomerykennelclub.org)**

## President's Message

Hi Members,

I hope you have had a great summer so far. Please remember to keep yourself and your dogs hydrated!

This month (Aug) at our meeting, Nominations are accepted from the floor and next month (Sept) is the elections. I will be out of town this month, but will leave you in the very capable hands of your Vice President Frank Dreyfus.

I know the November show seems a long way away, but it will be here before you know it! We will have several events going on in conjunction with the show – match, raffle, grooming seminar, CERF clinic, Wine and Cheese, and the Non-Denomination Church Service. We will have vendors and this year will have a sharpener added to the mix!

September – Bark in the Park – we will have a Meet the Breed.

Volunteers for any project can contact Corrine Dreyfus. Get involved it is your club!

Thanks!

Kaye

President

## **MONTGOMERY KENNEL CLUB MEETING MINUTES June 19, 2013**

Meeting called to order by President, Kaye Stevenson at 7:31 pm

Announcements: Chattanooga KC is having a match Aug 3 beginning at Noon  
Minutes for May were motioned approved by Linda Gamper and 2<sup>nd</sup> by Brenda Craig and approved by membership.

Treasurers report: No change

Amie Perez Motion approved, Dave Howard 2<sup>nd</sup> approved.

Committee Reports:

TROPHIES: Baba Monk - We discussed having Blankets on Friday \$12 each.

Baba showed ideas of 6 pk coolers with logo \$8 each with logo and

Repeat last year with a people offering various prizes for Saturday.

Baba said it is hard to find a potter to do our Group trophies for the lower prices since we have lowered the price of the Group trophies.

We decided to repeat last year with Blankets on Friday for Breed prizes and Personal donations or monies for Saturday.

Baba asked for us to sign up tonight for whatever Prizes we want to donate for. It begin during the meeting.

RAFFLE: Corrine had no new report

George Lemaster is getting the TV & DVD for the big ticket items.

Suggested we need some more big items.

ADVERTISING: Alan Hackel asked that anyone who can Twitter, Facebook, any social outlet please post the announcements he is working up on so we can get the word out through the months between now and the show. Stir up interest.

NOMINATION COMMITTEE: Millie Frakes to meet with her committee Monday night June 24, 2013.

Millie also said she would like for someone to take over the Christmas dinner preparation or some good suggestions very soon.

Baba mentioned Trent Jones in Prattville for an option. Millie said every place so far wants a guarantee of a certain number of people.

Places mentioned were Mimi's, Catfish House, Sinclairs.

Rea Cord reminded all of the Elmore Co HS Silent Auction July 19 at Wetumpka Community Center. Frank Dreyfus said he would like for the KC Club to get more community involved, get a Group Table at the Auction. I believe Rea said a table is \$200-\$300 and the club decided to not get a table, not much discussion.

Rea said ECHS Bark in the Park at Ft Toulouse will be Sunday Sept 22<sup>nd</sup>

ECHS has upped the vendor fees, but I believe she said not to MKC as one.

Frank mentioned a BIG DOG YARD SALE, not much discussion presently.

Kaye announced that Amie is leaving us, moving to Florida. She needs someone to take over Club Hospitality. Christina said she will do the paper products. Milly will still do the Christmas Dinner.

Amie is staying a member and will still do our website.

Brenda Craig told about the Committee meeting on the Dog Ordinance.

BRAGS: Milly finished Norma Jean with Gino's help.

Meeting adjourned at 8:25.

Submitted by

Marie Lundbom "Ree"

MKC Secretary

### **Minutes from the Nomination Committee meeting held on Monday 6/24/2013.**

Meeting was held at Milly's house in Montgomery and called to order at 6:35 pm. The nominating committee consisted of the following members. All were in attendance.

Milly Frakes – chair

Michelle Howard, board member

Dave Howard

Rea Cord

Teresa Keever

Trigg Grieshop (alternate)

Julia Markham (alternate)

After discussion within the committee and with potential nominees, the following slate of officers/board members is respectfully submitted:

President Jane Williams  
Vice President Mike Moore  
Secretary Linda Gamper  
Treasurer Christina Flack  
Board position #1 Alan Hackel  
Board position #2 Ellen Howard  
Board position #3 Corrine Dreyfus

Meeting was adjourned at 8:10pm.

Minutes forwarded to MKC Secretary on 6/25/2013.

Submitted by,  
Milly Frakes

## **ATTENDENCE**

All – The next page is the membership attendance roster taken from the sign-in sheets in case you have any questions on voting eligibility in Sep. Let me know if you have any questions.

And just FYI - Excerpted from our By-Laws:

7. In order to vote at a general election, a member must attend four meetings a year.  
12. A member who has attended at least 70 percent of the General Meetings held during the current fiscal year may mail in an absentee ballot for the annual elections. Such ballot must be signed by the absent member and received by the Secretary prior to the annual election.

Please review and let me know if there were more meetings that you attended this year.

Thank you,  
Christina  
cflack12@yahoo.com

### **MONTGOMERY KENNEL CLUB MEETINGS ATTENDED 2012-2013 YEAR**

<b>Barmby</b>	<b>Susan 1</b>
<b>Berry</b>	<b>Susan 2</b>
<b>Bogner</b>	<b>Vangie 0</b>
<b>Bowdoin</b>	<b>Kathryn 0</b>
<b>Cord</b>	<b>Rea 4</b>
<b>Cox*</b>	<b>Kay 0</b>
<b>Craig</b>	<b>Brenda 6</b>
<b>Darby</b>	<b>Jan 3</b>

Drake	Jane 1
Dreyfus	Corrine 6
Dreyfus	Frank 7
Edwards	Claire 1
Ewer	Barbara Ann 0
Ewer	Larry 0
Flack	Christina 7
Frakes	Mike 6
Frakes	Milly, 5 Emma 1
Gamper	Linda 5
Grieshop	Sharon 0
Grieshop	Trigg 4
Hackel	Alan 6
Hackel	Joan 5
Haugland*	Lloyd 0
Helus*	June 0
Howard	Dave 6
Howard	Ellen 6
Howard	Michelle6
Huffman*	Karen 0
Johnson*	Eric 3
Keever	Teresa 0
Kline*	Bob 3
Kline*	Genie 3
Kuczmariski*	Judith 0
Kunert	Ray 2
Kunert	Andrea 2
Law	Gigi 1
Lemaster	George 6
Lemaster	Laura 0

<b>Leonard</b>	<b>Joyce 1</b>
<b>Lundbom</b>	<b>Marie 6</b>
<b>Markham</b>	<b>Julia 3</b>
<b>Martin*</b>	<b>Molly 0</b>
<b>Mathews</b>	<b>Trish 5</b>
<b>Monk*</b>	<b>Baba 3</b>
<b>Montgomery*</b>	<b>Kit 0</b>
<b>Moore*</b>	<b>Mike 4</b>
<b>Murphy</b>	<b>Suzanne 0</b>
<b>Murphy</b>	<b>David 0</b>
<b>Newman*</b>	<b>Carolyn 6</b>
<b>Nichols</b>	<b>Dee 0</b>
<b>Perez</b>	<b>Amie 6</b>
<b>Plessner*</b>	<b>Janice 0</b>
<b>Rogers</b>	<b>Donna 0</b>
<b>Stevenson</b>	<b>Kaye 7</b>
<b>Williams</b>	<b>Elizabeth (Beth)0</b>
<b>Williams*</b>	<b>Jane 0</b>
<b>Zienert</b>	<b>Carol 1</b>

## ADVERTISING

Want to put a blurb in the catalog wishing everyone good luck? Want to get your kennel name out there? Or brag on your baby? Well then place an ad in the catalog this year! Prices are below:

Catalog Ad pricing:

\$50.00 for the full page and if a picture or graphic added, it was \$65.00

1/2 page - \$30.00 + Picture charge

1/4 (Business Card) - 15.00 + Picture charge

## RAFFLE

We are doing a raffle again this year to benefit our club and our local shelters! Please consider making a donation. You can email Corrine at [corrine.k.dreyfus.civ@mail.mil](mailto:corrine.k.dreyfus.civ@mail.mil) to let her know. Thanks!

## Braggs

**Please email me your braggs at [cflack12@yahoo.com](mailto:cflack12@yahoo.com)! When you do send me your brag, please include the dogs registered name and the breed. Also put brag in the subject line.**

## Volunteers

Please let Corrine at [corrine.k.dreyfus.civ@mail.mil](mailto:corrine.k.dreyfus.civ@mail.mil) know if you can volunteer for anything. There are numerous things we need volunteers for. For example, meet the breed, education, and dog shows. Signing up for various things does not mean you are obligated. You will just be contacted when needed and if you are not available at the time, you can just say no. Please consider being a volunteer.

These are the proposed dog ordinance for Montgomery. If you live in Montgomery city limits, this will affect you. They are voting on this ordinance this month, August 2013.

## **PROPOSED AMENDED CHAPTER 4 - ANIMALS**

### **ARTICLE I. – IN GENERAL**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* means to place upon public property or within a public building unattended or uncared for; and/or upon private property without prior permission of the owner, tenant or custodian of the property; and/or upon private property unattended or uncared for.

*Animal* means Dogs and all members of the canine family, including dog hybrids, cats, goats, horses, mules, cattle, fowl, livestock, and any other domesticated mammals, fish, reptiles or birds.

*Animal control officer* means employees of the animal control unit duly and legally authorized by the city to enforce this chapter and carry out all other duties expressed or implied in any city ordinance relating to animals or animal control; provided, however, that such officers shall not have the power of custodial arrest, and they shall function under the supervision of the police chief. Every animal control officer shall have the same powers as police officers for animal control purposes and the enforcement of this chapter, and shall function under the supervision of the city police chief and his assistants in the City police department.

*Animal control unit* means the unit within the city police department responsible for enforcement of this chapter.

*Animal shelter* means the company, partnership, association, organization or corporation with whom the city contracts for the purpose of impounding and caring for animals held under authority of this chapter.

*At Large* means off the premises of the owner and not under the control of the owner or his agent either by leash, cord, chain or otherwise.

*Attack* means to charge in a menacing and threatening fashion growling, barking or uttering other noises which places the citizen in imminent fear of injury.

*Bite* means to seize with the teeth so the skin of the person or animal seized has been wounded or pierced with a break or abrasion.

*Collar* means any band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

*Impound* means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered by city law, and transporting it to the animal shelter.



Livestock means domestic animals, such as horses, mares, mules, jacks, chickens, emus, pigeons, jennies, colts, cows, calves, yearlings, bulls, oxen, goats, pigs, hogs, sheep, or lambs, raised or kept for home use or for profit.

Owner, custodian or person in charge means any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian of the animal, or who permits the animal to remain on or about any premises occupied by him.

Premises means any real property titled in the name of, held in fee by, rented or leased to an individual, company or corporation.

Provoke means to incite, anger, irritate, exasperate, assault, abuse, or excite.

Severe injury means any injury which results in a broken bone, internal bodily injury or the death of any person.

Wild animal means any animal that is not cultivated, tamed or adjusted to live in a human environment.

Wound means a physical injury which results in puncture, muscle tear, broken bone, laceration, or permanent disfigurement.

(Ord. No. 29-2001, § II(5-1), 6-21-2001)

**Cross reference**— Definitions generally, § 1-2.

#### **Sec. 4-2. - Penalty for violation of chapter.**

- (a) Minimum fines for conviction of violation under Chapter 4, Article I—In general.
  - (1) *First violation.* Upon conviction, shall be a minimum fine of \$50.00. Any individual who witnesses a violation may make a sworn statement before a Magistrate of the City and a complaint will be issued to the owner of the dog.
  - (2) *Second violation.* For second violation within a 12-month period, upon conviction, shall be a minimum fine of \$250.00.
  - (3) *For third and all subsequent violations.* For third and all subsequent violations within a 12-month period, upon conviction, shall be a minimum fine of \$500.00.
- (b) Minimum fines for conviction of violation under Chapter 4, Article III—Rabies control.
  - (1) *First violation.* Upon conviction, shall be a minimum fine of \$50.00.

- (2) *Second violation.* For second violation within a 12-month period, upon conviction, shall be a minimum fine of \$250.00.
- (3) *For third and all subsequent violations.* For third and any subsequent violation within 12-month period, upon conviction, shall be a minimum fine of \$500.00.
- (c) Minimum fines for conviction of violation under Chapter 4, Article IV—Vicious animals. Upon conviction, shall be a minimum fine of \$500.00.
- (d) Unless otherwise specified in this chapter, violations of any section of this chapter are subject to punishment in accordance with section 1-6 of this Code.

(Ord. No. 29-2001, § II(5-11), 6-21-2001; Ord. No. 20-2011, § I, 6-21-2011)

**Sec. 4-3. - Public nuisance animals.** 

- (a) *Public nuisance prohibited.* It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in their possession or care from becoming a public nuisance animal. For purposes of this section, an animal is a public nuisance animal if the animal:
  - (1) Habitually makes disturbing noises including, but not limited to 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 close proximity to where the animal is kept;
  - (3) Trespasses on private property in such a manner as to create unsanitary conditions; or
  - (4) Damages property belonging to anyone other than its owner, including damage to flowers, gardens and shrubs.
- (b) *Complaints of public nuisance animals.*
  - (1) Whenever any person shall complain to animal control officer or city police officer concerning a public nuisance animal, the animal control officer or city police officer will notify the owner or keeper of said animal or animals by written warning, that a complaint has been received and that the person should take whatever steps necessary to alleviate the specified nuisance. Such warning may be hand delivered or delivered by United States mail.

(2) If within seven days of the issuance of the warning specified in subsection (a), the owner or keeper of said animal or animals has not remedied or made substantial progress towards remedying the specified nuisance, then the complainant shall have the right to appear before the municipal court warrant clerk between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and complete an affidavit/summons against the owner or keeper of said animal or animals. Before issuing said summons, the warrant clerk shall verify that the warning specified in subsection (a) was issued at least seven days prior to the filing of the affidavit by the complainant.

(c) *Effect of article on public nuisance animals.* This article is cumulative in effect and shall not be held to restrict, repeal or limit any other sections or authority legally provided for or possessed by the city under this Code, but shall be construed to constitute a separate and supplemental provision.

*(Ord. No. 29-2001, § II(5-21—5-23), 6-21-2001; Ord. No. 72-2006, 12-19-2006)*

**Cross reference**— *General nuisances, § 12-31 et seq.*

**State law reference**— *Nuisance abatement generally, Code of Ala. 1975, §§ 11-47-117, 11-47-118.*

#### **Sec. 4-4. - Abandonment of domesticated animals.**

It shall be unlawful for any person to knowingly abandon any animal or litter of any animal within the city. Each person who does abandon, or knowingly and willfully permits such abandonment, or aids in the abandonment of any animal shall be in violation of this section.

*(Ord. No. 29-2001, § II(5-2), 6-21-2001)*

**State law reference**— *Destruction of abandoned animals by SPCA, Code of Ala. 1975, § 3-1-8.*

#### **Sec. 4-5. - Cruelty to animals.**

It shall be unlawful for any person to mistreat, torture, disfigure, mutilate, torment, or cruelly tease an animal; deprive an animal of food, water, or shelter; keep an animal under unsanitary conditions; leave an animal unattended in a vehicle without proper ventilation; beat, kill or injure an animal without good cause; override, overdrive or overload an animal; and/or to set out upon any public or private property any stakes, pits, snares, traps, poisons, antifreeze, or other devices or substances intended to cause harm, injury or death to any animal. This section shall not be construed as prohibiting the branding or dehorning of livestock, or any other acts considered customary in the management or care of livestock.

*(Ord. No. 29-2001, § II(5-3), 6-21-2001)*

**State law reference**— *Cruelty to animals, Code of Ala. 1975, § 13A-11-14.*

**Sec. 4-6. - Animal fights; participation in and bets thereon.**

It shall be unlawful for any person to own, possess, keep or train any animal with the intent that such animal shall be engaged 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 fight.

*(Ord. No. 29-2001, § II(5-4), 6-21-2001)*

*State law reference— Dog fighting, Code of Ala. 1975, § 3-1-29.*

**Sec. 4-7. - Tying of animal on public property.**

It shall be unlawful for any person to tie, stake, or fasten any animal in such a manner that the animal has access to any portion of a street, highway, road, alley, sidewalk, right-of-way or other public place.

*(Ord. No. 29-2001, § II(5-5), 6-21-2001)*

**Sec. 4-8. - Tying of animal on another's property without permission.**

It shall be unlawful for any person to tie, stake, or fasten any animal upon private property of another without the express permission of the property owner.

*(Ord. No. 29-2001, § II(5-6), 6-21-2001)*

**Sec. 4-9. - Tying of animal allowing access to another's property.**

It shall be unlawful for any person to tie, stake, or fasten an animal in such a manner as to permit such animal to cross onto private property without the express permission of the property owner.

*(Ord. No. 29-2001, § II(5-7), 6-21-2001)*

**Sec. 4-10. - Leaving of dead animal on premises.**

It shall be unlawful for any person to leave or cause to be left upon any private or public property, sidewalk, alley, or right-of-way, any dead animal or the offal of any dead animal, for more than 24 hours after the death of such animal.

(Ord. No. 29-2001, § II(5-8), 6-21-2001)

**Sec. 4-11. - Possession of wild animals.**

It shall be unlawful for any person to keep or possess any wild animal or wild bird except as permitted by state law or federal law.

(Ord. No. 29-2001, § II(5-9), 6-21-2001)

*State law reference— Possession of wild animals, Code of Ala. 1975, § 9-11-230 et seq.*

**Sec. 4-12. - Bird sanctuary established.**

The territory comprising the city is declared a bird sanctuary. It shall be unlawful for any person to maim, kill or injure any wild or migrating bird within such territory.

(Ord. No. 29-2001, § II(5-10), 6-21-2001)

**Sec. 4-13. - Dogs running at large.**

- (a) *Running at large of dogs prohibited.* It shall be unlawful for the owner of or any person having custody or control of any dog to allow or permit a dog to run at large within the city.
  - (1) A dog is running at large if it is not under the control of the owner or a person acting for the owner and it is not:
    - a. Confined within a fence, wall or other enclosure in such a manner so as to effectively prevent the dog from traveling unto public property or the private property of another;
    - b. On a leash not more than ten feet in length, while walking, secured by a collar or harness with swivel connections in such a manner to effectively prevent the escape of the dog;
    - c. On a chain or tether not less than ten feet in length without access to others property secured on private property and secured by a collar or harness with swivel connections in such a manner to effectively prevent the escape of the dog;
    - d. Enclosed in a vehicle; or

- e. Confined by an electronic animal confinement system which is maintained in continuous working order, provided that the dog wears the appropriate electronic collar, has received appropriate training with the collar and signs indicating the use of said system are prominently posted at 20-foot intervals around the perimeter of the confinement area.
- (2) It shall be no defense in any prosecution for a violation of this section that such dog was at large without the knowledge, consent, or permission of the person charged with such violation.
- (b) *Reserved.*
  - (c) *Enforcement of the prohibition against dogs running at large.* It shall be the duty of the animal control unit to capture and remove by impoundment any dogs found running at large within the city.
    - (1) Any dog impounded pursuant to this section shall to be turned over to the animal shelter where they will be housed for a period not less than five days. However, any dog that appear to be diseased, injured or wild can be humanely destroyed at any time during the five-day period with the joint approval of either the director or director of operations of the animal shelter and a licensed veterinarian.
    - (2) Dogs claimed within the five days will be returned to the owner after the owner has provided proof of rabies inoculation and paid all required fees as set out in subsection (c)(3). Dogs that are not claimed within five days after impoundment will become the property of the animal shelter.
    - (3) Owners claiming dogs from impoundment for violation of the prohibition against running at large shall be required to pay a fee of \$35.00 to the animal shelter for the pickup of the dog, one half of which will be returned by the animal shelter to the city general fund, and a fee of \$20.00 per day, per animal for each day the dog was housed at the animal shelter. The total amount of the daily housing fee is to be retained by the animal shelter.

*(Ord. No. 29-2001, § II(5-13—5-15), 6-21-2001; Ord. No. 72-2006, 12-19-2006; Ord. No. 20-2011, § II, 6-21-2011)*

***State law reference—*** *Confinement of dogs, Code of Ala. 1975, § 3-1-5; limitations on penalties, Code of Ala. 1975, § 11-45-9.*

**Sec. 4-14 Keeping large numbers of animals; special permit.**

- (a) It shall be unlawful for any person to harbor, own, keep custody or take care of five or more dogs or cats over six months of age or older, or one litter of pups or one litter of kittens, or engage in the business of breeding, buying, selling, trading, training or boarding, without having obtained a special permit from the City of Montgomery. There shall be only one special permit issued per residence. The special permit shall be issued by the Chief of Police for the City of Montgomery, or his designee. The fee for such special permit, or any renewal thereof, shall be \$ \_\_\_\_\_.
- (b) Exemption from fees. The City shall issue a license upon application and without payment of a license fee required under this section for:
- (1) trained guide dog owned or kept by a visually impaired person or such a dog awaiting training;
  - (2) A trained hearing dog owned or kept by a hearing-impaired person or such a dog awaiting training;
  - (3) A trained service dog owned or kept by a physically impaired person or such a dog awaiting training;
  - (4) A trained search and rescue dog recognized by the Central Alabama Search and Rescue or by another search and rescue association or organization that cooperates with and is recognized by state and local law enforcement; and
  - (5) A dog certified by the State and used for law enforcement purposes.
  - (6) Dogs or Cats being cared for or fostered by a duly incorporated animal rescue organization possessing IRS 501 (c) 3 status.
- (c) Suspension or Revocation of Special Permit
- (1) The special permit may be suspended or revoked by the Municipal Court Judge of the City of Montgomery upon an individual's adjudication of guilt of any ordinance under Chapter 4 of the City of Montgomery Code of Ordinances. This penalty is in addition to all other criminal penalties authorized by law.

**Secs. 4-15—4-40. - Reserved.**

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

### Sec. 4-41. - Interference.

- (a) It shall be unlawful for any person by any physical act to interfere with, resist, molest, obstruct, hinder or impede any animal control officer, agent of the humane shelter or other officer empowered to act by law in the discharge of such officer's duty while in the enforcement of this chapter.
- (b) It shall be unlawful to interfere with any animal control officer, agent of the humane shelter or other officer empowered to act by law, or to take or attempt to take any animal from the vehicle used to transport the animal, any humane trap used to apprehend animals or to take or attempt to take any animal from the animal shelter.

*(Ord. No. 29-2001, § II(5-29), 6-21-2001)*

### Sec. 4-42. - Authority to impound.

To promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of the citizens of the city, any animal control officer, city police officer or agent of the animal shelter is hereby authorized to impound any animal whenever he has reasonable cause to believe any of the following conditions exist:

- (a) The animal is the subject of an act of cruelty as prohibited by this chapter or state law;
- (b) The animal is running at large in violation of this chapter;
- (c) The animal has been abandoned;
- (d) The animal is the subject of investigation for viciousness pursuant to section 4-123
- (e) The animal does not display a proper inoculation tag as defined in section 4-81 and the owner, if identified, does not produce proper inoculation documentation.

*(Ord. No. 29-2001, § II(5-24), 6-21-2001)*


***State law reference***— *Local ordinances relative to impoundment of animals found at large, Code of Ala. 1975, § 3-5-14.*



**Sec. 4-43. - Authority to enter private property to impound.** 

Any animal control officer, city police officer or agent of the animal shelter is hereby authorized to enter upon private property to impound any animal observed at large and chased to such property.

*(Ord. No. 29-2001, § II(5-25), 6-21-2001)*

**Sec. 4-44. - Authority to utilize humane traps.** 

Any animal control officer, city police officer or agent of the animal shelter is hereby authorized, in order to apprehend animals in violation of this chapter, which are otherwise difficult to apprehend, to use traps designed to humanely capture such animals by placing the traps on any 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.

*(Ord. No. 29-2001, § II(5-26), 6-21-2001)*

**Sec. 4-45. - Authority to utilize chemical capture methods.** 

Any animal control officer or city police officer 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.

*(Ord. No. 29-2001, § II(5-27), 6-21-2001)*

**Sec. 4-46. - Destruction of certain animals.** 

- (a) Animal control officers and city police officers are authorized to destroy any animal at large contrary to the provisions of this chapter, provided that such officer has made reasonable efforts to capture such animal or to locate the owner of the animal and has been unable to capture the animal or to locate such owner of the animal and, in that officer's opinion, the animal constitutes a direct and immediate threat to the public health, safety or welfare.
- (b) Animal control officers and agents of the animal shelter are authorized to destroy any animal found unattended on public property when such animal is injured or diseased past recovery.

- (c) Animal control officers, city police officers and agents of the animal shelter are authorized to destroy any wild animal within the city limits which presents a direct and immediate threat to the public or any person individually.
- (d) The animal control supervisor is authorized to destroy any animal which has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the animal control supervisor believes such animal constitutes a direct and immediate threat to the public health, safety or welfare.
- (e) Taking into account all the relevant circumstances, animal control officers, city police officers and agents of the animal shelter are to employ the most humane means possible when exercising the authority granted under this section.

*(Ord. No. 29-2001, § II(5-28), 6-21-2001)*

**Sec. 4-47. - Animal shelter required to provide monthly accounting.**

The animal shelter will provide the animal control supervisor with a monthly report detailing the number and type of animals impounded, the number and type of animals claimed, and the number and type of animals destroyed during that month.

*(Ord. No. 29-2001, § II(5-30), 6-21-2001)*

**Secs. 4-48—4-80. - Reserved.**

**ARTICLE III. – RABIES CONTROL**

**Sec. 4-81. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bite* means seized with the teeth so the skin of the person or animal seized has been wounded or pierced with a break or abrasion. For purposes of this definition the existence of a bite must be determined by a licensed physician.

*Cat* means all members of the domesticated feline (*Felis catus*) family three months of age or older.

*Dog* means all members of the domesticated canine (*Canis familiaris*) family three months of age or older.

*Has been exposed* means seized with the teeth or claws, so that the skin of the person or animal seized has been wounded or pierced and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.

*Inoculation tag* means a tag issued as required by state law coincident with the inoculation of a dog or cat against rabies.

(Ord. No. 29-2001, § II(5-33), 6-21-2001)

**Cross reference**— *Definitions generally, § 1-2.*

**Sec. 4-82. - Annual rabies inoculation required.** 

It shall be unlawful for any person to own, possess, keep, maintain or harbor within the city limits any dog or cat which has not been inoculated annually against rabies as required by state law.

(Ord. No. 29-2001, § II(5-34), 6-21-2001)

**State law reference**— *Rabies vaccination for dogs and cats, Code of Ala. 1975, § 3-7A-1 et seq.*

**Sec. 4-83. - Collar or harness required; inoculation tag to be attached; removal prohibited.**

Every dog and cat over the age of three months shall wear a substantial, durable collar or harness when off the owner's premises, to which an inoculation tag shall be attached. It shall be unlawful for a person to remove the collar, harness, inoculation tag from any dog or cat without the consent of the owner.

(Ord. No. 29-2001, § II(5-35), 6-21-2001)

**State law reference**— *Tag required, Code of Ala. 1975, § 3-7A-4.*

**Sec. 4-84. - Inoculation tag to be worn only by dog or cat for which issued.** 

It shall be unlawful for any person to permit or allow any dog or cat under his ownership or in his charge or control to wear an inoculation tag issued for a different dog or cat.

(Ord. No. 29-2001, § II(5-36), 6-21-2001)

**Sec. 4-85. - Authority of animal control officer and other agents to enter upon premises for inspection of inoculation.**

Animal control officers, police officers and agents of the animal shelter shall have the right to enter upon any premises where a dog or cat is being kept, harbored or restrained for the purpose of verifying the rabies inoculation of the dog or cat.

*(Ord. No. 29-2001, § II(5-37), 6-21-2001)*

**Sec. 4-86. - Impounding of dogs and cats lacking proof of inoculation.**

Any dog or cat not wearing or displaying a proper inoculation tag and any dog or cat whose owner, if identified, is unable to produce proper inoculation documentation, shall be impounded as outlined in subsection 4-13(c).

*(Ord. No. 29-2001, § II(5-38), 6-21-2001; Ord. No. 72-2006, 12-19-2006)*

*State law reference— Impoundment of unvaccinated dogs and cats, Code of Ala. 1975, §§ 3-7A-7, 3-7A-8.*


**Sec. 4-87. - Quarantine required in instance of bite.**

- (a) It shall be unlawful for any person having knowledge that a human being or domesticated animal has been bitten or exposed by a dog or cat to fail to notify either an animal control officer or the county health department of the incident.
- (b) Whenever an animal control officer shall receive information that a human being or domesticated animal has been bitten or exposed by a dog or cat, the animal control officer shall give written notice to the owner of the dog or cat that the dog or cat must be placed in quarantine under the direct supervision of a licensed veterinarian for a period of ten days subsequent to the date of the bite or exposure for the purpose of determining whether the dog or cat is infected with rabies. The owner of such dog or cat shall place the animal in quarantine within one business day of the date of the notice.
- (c) Such quarantine shall be at the expense of the owner of such animal.
- (d) When after a reasonable investigation, the animal control officer determines that the dog or cat is unowned, the dog or cat shall be humanely destroyed and the dog or cat shall be submitted for rabies examination to the state department of public health.

- (e) An owner may relinquish, in writing, the ownership of such dog or cat to the animal control officer for the purpose of humanely destroying the dog or cat to enable immediate testing to be performed on the animal by the department of public health.
- (f) It shall be unlawful for the owner of such dog or cat to refuse to comply with the lawful order of the animal control officer given pursuant to this section. It is for the owner to sell, give away, transfer to another location or otherwise dispose of any such dog or cat until it is released from quarantine by the veterinarian or other officer duly authorized under state law.

(Ord. No. 29-2001, § II(5-39), 6-21-2001)

*State law reference— Quarantine, Code of Ala. 1975, § 3-7A-9.*

**Secs. 4-88—4-120. - Reserved.** 

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#### **ARTICLE IV. – DANGEROUS OR VICIOUS ANIMALS**

**Sec. 4-121. - Vicious animal defined.** 

A "vicious animal" is defined as an animal that attacks, bites or inflicts severe injury to human beings, pets, companion animals, or livestock.

The owner of any animal accused of being vicious is entitled to introduce evidence that the animal was provoked or that the animal(s) actions at the time of the alleged attack, bite or injury were justified. In regards to dogs specifically, no dog may be declared vicious based solely on the breed of said animal.

(Ord. No. 72-2006, 12-19-2006)

**Sec. 4-122. - Confinement required.** 

It shall be unlawful for any person to keep a vicious animal within the city limits unless the enclosure for said animal meets the conditions set forth by the provisions of section 4-124.

(Ord. No. 72-2006, 12-19-2006)

**Sec. 4-123. - Initiation of vicious animal investigation.** 

Sec. 4-123. - Vicious animal investigation and findings

- (a) When any person claims that an animal is vicious, he shall make a sworn statement before a magistrate in the city setting forth the name of the animal's owner or custodian, the location where the animal is being kept in the city, and the reason he believes the animal to be vicious. The sworn statement may be completed by any person having contact with the animal. The sworn statement will be delivered to the animal control unit and an animal control officer will complete a vicious animal investigation.
- (b) Animal control officers are authorized to initiate a vicious animal investigation in cases where a bite or serious injury to any person has been reported.
- (c) In the event the vicious animal investigation leads the animal control officer to believe the allegation is founded:
- (1) The animal control officer will file a summons for the owner of the animal with the municipal court;
- (2) The animal in question will be impounded at the animal shelter;
- (3) A hearing date will be held in municipal court within 14 days of the date of service;
- (d) In the event the vicious animal investigation leads the animal control officer to believe the allegation is unfounded, the animal control officer will advise the complainant of his findings and submit the results of the investigation to the animal control supervisor.
- (e) A copy of all investigations made pursuant to this section will be kept on file in the animal control office.
- (f) If the Municipal Court determines the animal is a vicious animal:

- (1) The animal will be held in impound until the owner complies with all orders of the court; however, the animal will be humanely destroyed if the owner fails to comply with all orders of the court within 20 days of the court's order.
- (2) The vicious animal shall be microchipped.
- (3) The vicious animal shall be spayed/neutered.
- (4) The owner shall be required to pay all expenses involved with the pickup and impoundment of the animal at a rate of \$35.00 to the animal shelter for the pickup of the animal, one half of which will be returned by the animal shelter to the city general fund, and a fee of \$20.00 per day, per animal for each day the animal was housed at the animal shelter. The total amount of the daily housing fee is to be retained by the animal shelter.
- (5) The owner shall be required to pay an annual \$10.00 registration of animals deemed vicious by municipal court or penalty of \$100.00 for non-registration within two weeks. The owner must provide proof of liability insurance as required by Section 4-123(f)(6) each time the annual registration fee is paid.
- (6) The owner shall be required to obtain liability insurance coverage of at least \$100,000 and provide proof of insurance to the municipal court or animal control office. The insurance must provide coverage for animal bites, injuries or death caused by an animal.

*(Ord. No. 72-2006, 12-19-2006)*

**Sec. 4-124. - Enclosure specifications for vicious animals.** 

- (a) Whenever a vicious animal is permitted to stay or remain in the city, the following requirements and any other requirements deemed necessary and appropriate for public safety by the animal control supervisor shall be adhered to by owner of said vicious animal.
- (b) Owners shall provide an exterior perimeter fence suitable to contain an average animal of the same type. The perimeter fence shall be constructed of chain link or wooden privacy type and shall be at least four feet in height.

- (c) Owners shall provide an additional fence or pen of adequate size inside the perimeter fence to humanely confine the vicious animal.
  - (1) This additional fence or pen may not share common fencing with the perimeter fence;
  - (2) This additional fence or pen must have secure sides and a secure top attached at all sides;
  - (3) All four sides of this additional fence or pen must be sunk at least two feet into the ground or the fence or pen must be built over a concrete pad to prevent the animal from digging out;
  - (4) This additional fence or pen must have an inward-opening gate and shall be kept locked at all times by pad lock or key lock except when tending to the care of the animal;
  - (5) The sides of this additional fence or pen shall be from ground to top at least twice the height of the animal, the height of the animal being measured from its shoulders;
  - (6) This additional fence or pen must not be positioned so that neighbors or passers by have access to the animal. It must be no less than 20 feet from any neighboring home; and
  - (7) Signs shall be posted on each side of this additional fence or pen stating that a vicious animal is enclosed and shall specify the type of animal enclosed, i.e. "vicious dog".
- (d) Whenever the animal is outside either the additional fence or pen provided for in this section:
  - (1) It must be attended by the owner; and
  - (2) It must be restrained by a secure collar and leash or rope no shorter than eight feet nor longer than ten feet in length and of sufficient strength to prevent escape;
- (e) No vicious animal shall be allowed outside the owner(s) property except in emergencies or for normal or necessary medical or health related treatment.
- (f) No vicious animal shall be chained, tethered, or otherwise tied to any object such as a tree, post or building, outside of its additional fence or pen as provided in this section.




- (g) An electronic animal confinement systems shall not be used to confine a animal classified as vicious.

*(Ord. No. 72-2006, 12-19-2006)*

**Sec. 4-125. - Authority of animal control officer when enclosure deemed inadequate.** 

When a vicious animal is not properly or securely confined pursuant to the provisions of this chapter, the animal control supervisor shall order confinement of the animal with a licensed veterinarian or with the animal shelter until the owner or other person in charge of such animal provides an enclosure which complies with the provisions of section 4-124. Provided, however, that if the owner or other person in charge of such animal fails to provide a proper enclosure as provided by section 4-124 within 30 days, such animal shall be disposed of as directed by the animal control supervisor. All costs of feeding and caring for such animal during said confinement shall be paid by the owner, provided however, that the daily cost of confinement at the animal shelter shall not exceed \$20.00 per day for the first five days and \$5.00 per day thereafter.

*(Ord. No. 72-2006, 12-19-2006)*

**Secs. 4-126—4-160. - Reserved.** 


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**ARTICLE V. – LIVESTOCK**

**Sec. 4-161. - Enclosure required.** 

All livestock shall be properly housed with adequate food and water and confined within a fenced enclosure or secure building of sufficient size. The fenced enclosure or secured building shall be maintained in such a manner as to keep any average livestock animal of the same type from escaping the enclosed area.

*(Ord. No. 29-2001, § II(5-31), 6-21-2001)*

**Sec. 4-162. - Running at large.** 

- (a) It shall be unlawful for any person to allow or permit livestock to run or fly at large within the city. A livestock animal is running at large if it is not under the control of its owner or a person acting for the owner, and it is not confined within

a fence, wall or other enclosure in such a manner so as to effectively prevent the livestock animal from traveling unto public property or the private property of another.

- (b) It shall be no defense in any prosecution for a violation of this section that such livestock animal was at large without the knowledge, consent, or permission of the person charged with such violation.
- (c) Upon a first violation of this section within a year, an animal control officer, police officer or agent of the animal shelter shall issue the owner a written warning. Thereafter, all violations will result in the issuance of a summons and complaint against the owner.
- (d) The director or director of operations of the animal shelter shall be responsible for finding suitable accommodations and for the ultimate disposition of any livestock impounded pursuant to this section. The owner or any person having custody or control of such animal will be charged in accordance with the actual cost of impoundment plus any boarding fees for the period of impoundment.

*(Ord. No. 29-2001, § II(5-32), 6-21-2001)*

***State law reference***— *Stock laws, Code of Ala. 1975, § 3-5-1 et seq.*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 4, OF THE CODE OF ORDINANCES OF  
THE CITY OF MONTGOMERY, ALABAMA  
REGARDING ANIMAL CONTROL AND ADOPTING NEW LICENSE PROCEDURES**

**SECTION 1. AMENDMENTS TO CHAPTER 4 of the CODE of ORDINANCES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Article 1, Section 4-1; Article III, and Article IV, Section 4-123 of Chapter 4 of the Code of Ordinances for the City of Montgomery, Alabama be amended to read as follows:

**ARTICLE I. – IN GENERAL**

**Sec. 4-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* means to place upon public property or within a public building unattended or uncared for; and/or upon private property without prior permission of the owner, tenant or custodian of the property; and/or upon private property unattended or uncared for.

*Animal* means Dogs and all members of the canine family, including dog hybrids, cats, goats, horses, mules, cattle, fowl, livestock, and any other domesticated mammals, fish, reptiles or birds.

*Animal control officer* means employees of the animal control unit duly and legally authorized by the city to enforce this chapter and carry out all other duties expressed or implied in any city ordinance relating to animals or animal control; provided, however, that such officers shall not have the power of custodial arrest, and they shall function under the supervision of the police chief. Every animal control officer shall have the same powers as police officers for animal control purposes and the enforcement of this chapter, and shall function under the supervision of the city police chief and his assistants in the City police department.

*Animal control unit* means the unit within the city police department responsible for enforcement of this chapter.

*Animal shelter* means the company, partnership, association, organization or corporation with whom the city contracts for the purpose of impounding and caring for animals held under authority of this chapter.

*At Large* means off the premises of the owner and not under the control of the owner or his agent either by leash, cord, chain or otherwise.

*Attack* means to charge in a menacing and threatening fashion growling, barking or uttering other noises which places the citizen in imminent fear of injury.

*Bite* means to seize with the teeth so the skin of the person or animal seized has been wounded or pierced with a break or abrasion.

*Collar* means any band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

*Impound* means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered by city law, and transporting it to the animal shelter.

*Livestock* means domestic animals, such as horses, mares, mules, jacks, chickens, emus, pigeons, jennies, colts, cows, calves, yearlings, bulls, oxen, goats, pigs, hogs, sheep, or lambs, raised or kept for home use or for profit.

*Owner, custodian or person in charge* means any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian of the animal, or who permits the animal to remain on or about any premises occupied by him.

*Premises* means any real property titled in the name of, held in fee by, rented or leased to an individual, company or corporation.

*Provoke* means to incite, anger, irritate, exasperate, assault, abuse, or excite.

*Severe injury* means any injury which results in a broken bone, internal bodily injury or the death of any person.

*Wild animal* means any animal that is not cultivated, tamed or adjusted to live in a human environment.

*Wound* means a physical injury which results in puncture, muscle tear, broken bone, laceration, or permanent disfigurement.

## **ARTICLE IV. VICIOUS ANIMALS**

### **Sec. 4-123. - Vicious animal investigation and findings**

(a) When any person claims that an animal is vicious, he shall make a sworn statement before a magistrate in the city setting forth the name of the animal's owner or custodian, the location where the animal is being kept in the city, and the reason he believes the animal to be vicious. The sworn statement may be completed by any person having contact with the animal. The sworn statement will be delivered to the animal control unit and an animal control officer will complete a vicious animal investigation.

(b) Animal control officers are authorized to initiate a vicious animal investigation in cases where a bite or serious injury to any person has been reported.

(c) In the event the vicious animal investigation leads the animal control officer to believe the allegation is founded:

- (1) The animal control officer will file a summons for the owner of the animal with the municipal court;
- (2) The animal in question will be impounded at the animal shelter;
- (3) A hearing date will be held in municipal court within 14 days of the date of service;

(d) In the event the vicious animal investigation leads the animal control officer to believe the allegation is unfounded, the animal control officer will advise the complainant of his findings and submit the results of the investigation to the animal control supervisor.

(e) A copy of all investigations made pursuant to this section will be kept on file in the animal control office.

(f) If the Municipal Court determines the animal is a vicious animal:

- (1) The animal will be held in impound until the owner complies with all orders of the court; however, the animal will be humanely destroyed if the owner fails to comply with all orders of the court within 20 days of the court's order.
- (2) The vicious animal shall be microchipped.
- (3) The vicious animal shall be spayed/neutered.
- (4) The owner shall be required to pay all expenses involved with the pickup and impoundment of the animal at a rate of \$35.00 to the animal shelter for the pickup of the animal, one half of which will be returned by the animal shelter to the city general fund, and a fee of \$20.00 per day, per animal for each day the animal was housed at the animal shelter. The total amount of the daily housing fee is to be retained by the animal shelter.
- (5) The owner shall be required to pay an annual \$10.00 registration of animals deemed vicious by municipal court or penalty of \$100.00 for non-registration within two weeks. The owner must provide proof of liability insurance as required by Section 4-123(f)(6) each time the annual registration fee is paid.
- (6) The owner shall be required to obtain liability insurance coverage of at least \$100,000 and provide proof of insurance to the municipal court or animal control office. The

insurance must provide coverage for animal bites, injuries or death caused by an animal.

## **SECTION 2. ADOPTION OF THE FOLLOWING.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the following is adopted:

### **1. Keeping large numbers of animals; special permit.**

It shall be unlawful for any person to harbor, own, keep custody or take care of five or more dogs or cats over six months of age or older, or one litter of pups or one litter of kittens, or engage in the business of breeding, buying, selling, trading, training or boarding, without having obtained a special permit from the City of Montgomery. There shall be only one special permit issued per residence. The special permit shall be issued by the Chief of Police for the City of Montgomery, or his designee. The fee for such special permit, or any renewal thereof, shall be \$\_\_\_\_\_.

**2. Exemption from fees.** The City shall issue a license upon application and without payment of a license fee required under this section for:

- (a) trained guide dog owned or kept by a visually impaired person or such a dog awaiting training;
- (b) A trained hearing dog owned or kept by a hearing-impaired person or such a dog awaiting training;
- (c) A trained service dog owned or kept by a physically impaired person or such a dog awaiting training;
- (d) A trained search and rescue dog recognized by the Central Alabama Search and Rescue or by another search and rescue association or organization that cooperates with and is recognized by state and local law enforcement; and
- (e) A dog certified by the State and used for law enforcement purposes.
- (f) Dogs or Cats being cared for or fostered by a duly incorporated animal rescue organization possessing IRS 501 (c) 3 status.

### **3. Suspension or Revocation of Special Permit**

- (a) The special permit may be suspended or revoked by the Municipal Court Judge of the City of Montgomery upon an individual's adjudication of guilt of any ordinance under Chapter 4 of the City of Montgomery Code of Ordinances. This penalty is in addition to all other criminal penalties authorized by law.

(b) The special permit may be suspended or revoked by the Chief of Police for the City of Montgomery. However, such suspension or revocation may be appealed to the City Council by giving written notice to the City Clerk within 30 days of the date of the suspension or revocation. However, if the basis of the suspension or revocation is an alleged violation of an ordinance within Chapter 4 of the City of Montgomery Code of Ordinances, the alleged violation shall be prosecuted and suspension or revocation shall be determined by the Municipal Court Judge |

**Comment [FK1]:** Adopt this section in lieu of harboring section? Rather than make it illegal to have 5 or more dogs or cats (as in harboring), we are requiring a special permit.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall become effective \_\_\_\_\_, 2013.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
TODD STRANGE, MAYOR

ATTEST:

\_\_\_\_\_  
BRENDA GALE BLALOCK, CITY CLERK



**Montgomery Kennel Club  
All Breed, Obedience and Rally Dog Show**

**November 22, 23, 24, 2013**

**Save The Date!**

This AKC sanctioned Show offers both Confirmation and Obedience competition. This is a wonderful opportunity to see the various levels of dog training and to enjoy the beauty of a sound, healthy, well-bred animal. The public can learn about different breeds of dogs by visiting with the Exhibitors and Breeders at the Show.

For detailed information about the Show and the various classes and groups see Jack Onofrio Dog Shows, LLC

**Save the Date and come to the Show!  
Located at the newly renovated  
Garrett Coliseum  
in Montgomery, Alabama**

**“The Capital of Dreams”**

**<http://montgomerykennelclub.org>**





Christina Flack, Editor  
75 Honeysuckle Court  
Wetumpka AL 36093

TO: