

1ST READING

2ND READING

INDEX NO.

1-5-70.
1-26-10

ORDINANCE NO. 12343

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, RELATIVE TO ANIMALS AND FOWL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, as follows:

SECTION 1. That Chattanooga City Code, Part II, Chapter 7, be and the same is hereby amended by deleting the chapter in its entirety and substituting in lieu thereof as follows:

Sec. 7-1. Animal Care Trust dba McKamey Animal Center; duties; powers.

- (a) The McKamey Center Animal Care Trust, d/b/a McKamey Animal Center shall provide animal services for the City of Chattanooga.
- (b) These contracted services shall include the following:
 - (1) Providing essential animal services to the residents of Chattanooga through the enforcement of animal-related codes as stated in the Tennessee Code and City Code;
 - (2) Licensing of animals;
 - (3) Animal safety and educational programs;
 - (4) An attempt to reach resolution of animal-related problems by education or advice;
 - (5) Emergency and rescue services for animals;
 - (6) Cooperation with the county health director and assisting in the enforcement of the laws of the City and state with regard to companion animals and especially with regard to the vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals;
 - (7) Investigation of cruelty, neglect or abuse of companion animals; and

- (8) Maintaining an animal shelter in accordance with the provisions of this Chapter that will include, but not be limited to, sheltering of animals impounded under this Chapter, licensing of animals, quarantine of rabies-suspect animals, reduction of stray and unwanted animal population through spay and neuter programs, community education with regard to pet overpopulation, methods of ownership identification and disposition of impounded animals by adoption, redemption, or humane euthanasia.
- c) Any animal services officer or police officer of the City shall have the power and duty to protect the animals taken into custody, whether in transit or at the McKamey Animal Center. Any animal services officer or police officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency and/or appears to be unable to physically remove itself from a situation that restricts its movement. If a rescued animal is found to have reasonable proof of ownership such as an implanted microchip, tattoo or collar with identification, it shall be provided with immediate veterinary care if the officer deems such care to be necessary in an attempt to prevent, physical pain, suffering, disability or death of the animal. The animal's owner shall be responsible for all expenses incurred for the rescue and subsequent treatment of the animal. If the animal has no detectable identification or is found abandoned or not properly cared for, the McKamey Animal Center director, a licensed veterinarian or two reputable, experienced employees in the animal welfare field may be called to view the animal and give written certification of the animal's condition. If it is determined that the animal is diseased, significantly injured, suffering, neonatal, feral or highly aggressive, and due to such condition is an improbable candidate for adoption, the animal can be immediately euthanized. In no event shall the determination as to disposition of the animal be delayed beyond 48 hours after it is determined that said animal should, for humane reasons, be immediately destroyed by humane euthanasia.

Sec. 7-2. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Abandon" means forsake, desert or absolutely give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to provide one or more of the elements of adequate care for a period of twenty-four (24) or more consecutive hours.

"Adequate care" or *"care"* means the reasonable practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health.

"Adequate exercise" or *"exercise"* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

"Adequate feed" means the access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal without duress or competition; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provide a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (i) easily stand sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.

When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for

the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-four (24) hour period.

"Adequate veterinary care" means to provide medical care to alleviate suffering, prevent disease transmission, maintain health, and provide available care to prevent diseases through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every 8 hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternate source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or cat from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Altered" means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means a living organism characterized by voluntary movement except human beings and plants.

"Animal act" means any performance of animals where such animals are trained to perform some behavior or action or are part of a show or performance.

"Animal Hoarder" means a person who possesses a large number of animals and (i) fails to or is unable to provide adequate care as defined in this chapter or (ii) keeps animals in severely overcrowded conditions where they are unable to be in a state of good health or (iii) displays the inability to recognize or understand the nature of, or has the reckless disregard for the conditions of the animals or (iv) is living in unsanitary, unhealthful or potentially dangerous conditions due to the inability to provide adequate care as defined in this chapter.

"Animal Services Officer" or *"ASO"* means a person legally sworn and appointed as an animal services officer that is authorized by the City to carry out the duties imposed by this Chapter and state law.

"Animal Shelter" means any premises designated by the City for the purpose of impounding and caring for all animals found at large or otherwise subject to impoundment in accordance with the provisions of this chapter.

"At large" means an animal not contained behind an adequate fence or within an adequate enclosure or under the control of a person physically capable of restraining the animal, or an animal not controlled by a leash or tether no more than six (6) feet in length and appropriate for the size, age and weight of the animal

"Attack" means attack by an animal off its owner's property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression; "attack" does not include any actions by an animal in defense of itself or its owner or keeper against aggression by a person or an animal.

"Breeder" means anyone who either for the betterment of the chosen breed or for financial gain "sells, trades or offers to sell" a litter of dog or cats produced from a dog or cat that they do not intend to have spayed or neutered.

"Cattery" means any enclosure, premises, building structure, lot or area, in or on which eight (8) or more cats at least (3) months of age are kept, bred, harbored or maintained. The owner must apply for a cattery license and meet the standards of husbandry described in this chapter. Space requirements, sanitation and proper vaccinations and veterinary care are required by this section. Both kennels and catteries will be subject to at least annual inspection by the McKamey Animal Center with emphasis placed on sanitation, vaccination records, absence of disease and humane operation.

"Collar" means a well fitted device appropriate to the age and size of the animal, constructed of nylon, leather, or similar material, and attached to the animal's neck in such a way as to avert trauma or injury to the animal.

"Companion animal" means any domestic or feral dog, domestic or feral cat, guinea pig, small domesticated mammal, rabbit not raised for human food or fiber, miniature African pig, pot bellied pig, exotic or aquatic animal, amphibian, reptile, exotic bird, or any feral ~~and~~ or any animal under the care, custody or ownership of a person or any animal which is bought, sold traded or bartered by any person. Agricultural animals, game species, or any animal regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Curbside sale" means any attempt to sell barter, trade or adopt any companion animal on a public or private street, parking lot, or location.

"Dangerous dog" means any dog that, according to the records of an appropriate authority:

- (1) Inflicts a severe injury on a human being without provocation on public or private property; or

- (2) Bites, attacks, scratches or endangers the safety of a human being without provocation after the dog has been classified as a potentially dangerous dog.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be considered a dangerous dog or potentially dangerous dog for the purposes of this chapter.

A dog shall not be a dangerous dog or a potentially dangerous dog if the injury inflicted by the dog was sustained by a person who at the time, was committing a willful trespass or other tort, or was physically tormenting the dog, or was committing or attempting to commit a crime.

"Dog" means any member of the animal species *canis familiaris* or any animal which is a crossbreed of any animal that is a member of the *canis familiaris* species, not including, wolf/dog crossbreeds and wolf hybrids.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

"Direct and immediate threat" means any clear and imminent danger to the health, safety, or life of an animal or person as would be perceived by a reasonable person.

"Domestic animal" means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuildings or business.

"Dump" means to knowingly abandon, desert, forsake, or absolutely give up without having secured another owner or custodian; any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another including but not limited to an animal shelter, veterinary hospital or animal welfare facility.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Foster care provider" means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

"*Foster home*" means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for companion animals.

"*Groomer*" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"*Grooming shop*" means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

"*Guard dog*" means any member of the dog family (canidae) which has been trained or represented as a dog trained to protect commercial property or placed on commercial property for the purpose of protecting such property or persons on such property.

"*Guard dog owner*" means any person, firm or corporation, which employs a guard dog to protect commercial property from unauthorized intrusion; for purposes of this definition, "owner" includes legal owner and any person, firm or corporation who, through arrangement or contract, has secured the use of a guard dog to protect commercial property from unauthorized intrusion.

"*Guard dog purveyor*" means any person, firm or corporation supplying guard dogs to members of the public.

"*Guard dog trainer*" means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

"*Home-based rescue*" means any person that accepts: (i) more than twelve (12) companion animals; or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

"*Impoundment*" means the placement of an animal in the custody of the McKamey Animal Center.

"*Kennel*" means any premises wherein any person engages in the business of boarding, breeding, buying, hunting, training for a fee, or selling dogs or cats, except a facility operated by a humane society or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals.

"*Licensed veterinarian*" means a person licensed to practice veterinary medicine.

"*Livestock*" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine (except pot bellied pigs), goats, and poultry.

"*McKamey Animal Center*" or "*MAC*" means the organization designated by the city to provide animal care services for the City.

"*McKamey Animal Center Director*" means the Executive Director in charge of the McKamey Animal Center. The McKamey Animal Center Director is authorized to administer this Chapter.

"*Menacing fashion*" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

"*Microchip*" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

"*Microchipping*" means the implanting of a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

"*Minor injury*" means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

"*Mischievous animal*" means any companion animal that causes a public nuisance.

"*Neglect*" means any of the following:

- (1) Failing to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
- (2) Failing to provide an animal with adequate living conditions as defined in this chapter (adequate feed, adequate water, adequate shelter, adequate space etc.);
- (3) Failing to provide adequate veterinary care;
- (4) Keeping any animal under conditions which increase the probability of the transmission of disease;
- (5) Failing to provide an adequate shelter for an animal;

- (6) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory to suffer unnecessary neglect, torture, or pain; or
- (7) Meeting the requirements of the definition of an Animal Hoarder.

"*Owner*" means any person, corporation, organization, group of persons or association that (i) has a property right in an animal, (ii) keeps or harbors animal, (iii) has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person, or (iv) by agreement with or with permission of the true owner of the animal, has an animal in his or her care or acts as a caretaker or custodian of an animal. "Owner" does not include the City animal shelter, non-profit animal sheltering facility, rescue organization, feral cat caretakers, a veterinarian or an operator of a grooming shop, kennel or pet shop engaged in the regular practice of said business.

"*Person*" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder

"*Pet dealer*" means any person or organization, other than a shelter or registered rescue organization, who engages in the business of selling, buying, brokering, or bartering of animals, whether such animals are located in the City or just offered for sale, barter, broker, etc., in the City.

"*Pet Solid Waste*" excrement from the bowels of the pet

"*Potentially dangerous dog*" means any dog that without provocation bites, attacks, scratches, or endangers the safety of a human being on any public or private property; or any dog that attacks and kills, or severely injures another properly restrained companion animal while on private or public property.

"*Proof of ownership*" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

"*Properly cleaned*" means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with these contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazard of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"*Proper disposal*" means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or

some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

"Proper enclosure" means a place in which a companion animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the companion animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the companion animal from escaping and shall also provide protection for the companion animal from the elements. The enclosure shall be of suitable size for the companion animal.

"Properly fitted" collar means the animal has a collar that measures the circumference of a neck plus at least one inch.

"Properly restrained" means (i) controlled by a competent person by means of a chain, leash, or other like device not to exceed six feet (6') in length, (ii) secured within or upon a vehicle being driven or parked, or (iii) kept within a proper enclosure. Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

"Provoke" means to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an animal.

"Public nuisance" means any animal or group of animals that, by way of example and not of limitation, habitually:

- (1) damage, soil or defile community or neighborhood private property or public property;
- (2) interfere with the ordinary use and enjoyment of a person's property;
- (3) turn over garbage containers or damage flower or vegetable gardens;
- (4) cause unsanitary or offensive conditions;
- (5) impede the safety of pedestrians, bicyclists, or motorists;
- (6) meet the requirements of the definition of "barking dog"; or
- (7) are allowed to remain an unaltered free roaming cat.

"Reasonable period" means a period of time not to exceed twelve (12) hours in a 24-hour period.

"Records of an appropriate authority" means records of any state, county or city law enforcement agency; records of any county or city animal control agency; records of any county board of health or records of any federal, state or city court.

"Releasing agency" means an animal shelter, humane society, and animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or rescue that releases companion animals for adoption.

"Registered Rescue Organization" means any person or organization, that is not acting for profit, and that rescues animals from a variety of sources and places them through adoption with new owners.

"Relinquish" means giving up all rights to said animal including future knowledge of the disposition of the animal.

"Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

"Severe injury" means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding, disfiguring lacerations requiring multiple sutures or cosmetic surgery, or death on the part of the victim.

"Stray" means any animal (1) which is at large, (2) which appears to be lost, unwanted or abandoned, or (3) whose owner is unknown or not readily available.

"State of good health" means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

"Sterilize" or *"sterilization"* means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Tether" or *"tethering"* means the restraint and confinement of a dog by use of a restraint device.

"Torture" or *"torment"* means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

"Under control" means an animal is securely confined in a fenced enclosure on the property of owner or keeper of the animal provided such an enclosure prevents the animal from leaving the property of the owner or keeper of the animal. An animal is also under control:

(1) When the animal is located on the property of the owner or keeper of the animal and is secured by means of a leash or tether which prevents the animal from leaving the property of the owner or keeper of the animal.

(2) When the animal is secured by means of a leash held by a person of suitable age and discretion.

"Weaned" means an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five days.

Sec. 7-3. Seizure of at-large animals upon return to property.

An Animal Services officer or law enforcement officer may, upon viewing an animal at large and upon the animal's return to its legal property, impound such animal off its property for safe keeping if, in the opinion of the officer,

(1) there is no way to ensure the animal's confinement to the property if the officer would leave it there to await the owner's return,

(2) it could present a danger to the public, traffic or other animals if left until the owner returns, or

(3) the animal is not considered to be under control at the time of the impoundment, a notice of impound shall be posted in a place that would be visible from the public right-of-way or the front door or entrance, and it shall state the procedure to redeem such animal. This section does not authorize the entry into any building on the property nor the removal, without a search warrant or owner's written permission, of any animal from any building on the property.

Sec. 7-4. Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder or molest officers of the McKamey Animal Center, law enforcement officers, or veterinarians in the performance of any duty authorized by this Chapter or to seek to release any animal in the custody of the McKamey Animal Center except as otherwise specifically provided herein.

(Ord. No. 9654, § 70, 1-6-92; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-5. Care of impounded animals.

Any Animal Shelter shall take proper care at all times of all animals held in custody and shall provide such animals with adequate food, water, care, and shelter. (Code 1986, § 7-27; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-6. Redemption by owner.

The owner of any animal confined in the McKamey Animal Center may, before the expiration of the legal holding period, redeem the same upon payment of the assessed fees and production of proof of ownership satisfactory to the McKamey Animal Center of his or her ownership of the animal.

(Code 1986, § 7-29; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-7. Disposition of fees and proceeds of sales collected by McKamey Animal Center.

All fees and the proceeds of the sale of animals shall be collected by the McKamey Animal Center as agent of the City of Chattanooga *and* remitted to the City Treasurer unless otherwise provided by contract approved in advance by the City Council.

(Code 1986, § 7-35; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-8. Animal Services Officer

Upon written request by the Director of McKamey Animal Center and upon background investigation by the Police Department, City Council may issue unto the officers named in such request commissions as special police officers of the City to enforce the provisions of this Chapter. The holders of such commissions shall have, possess and exercise every power granted by such commissions but such special policemen shall not be regular police officers of the City nor shall they be entitled to any benefits afforded regular police officers of the City.

Sec. 7-9. Enforcement of article; obstructing enforcement.

The McKamey Animal Center shall enforce the provisions of this Chapter and shall have the powers to issue citations for violations thereof. It shall be unlawful for any person to hinder, molest or interfere with McKamey Animal Center personnel in the performance of their duties hereunder.

(Code 1986, § 7-51; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-10. Setting humane animal traps and authority to receive trapped animals.

The McKamey Animal Center is authorized to place, upon request, live-capture animal traps on private property with the permission of the owner or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an Animal Services officer or the officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap. The McKamey Animal Center is authorized to receive and impound animals that are trapped by other agencies or persons.

(Code 1986, § 7-124; Ord. No. 9654, § 13, 1-6-92; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-11. Duty to report shows and entertainment involving live animals to McKamey Animal Center; presence of Animal Services Officer at shows involving animals; penalty for violation.

(a) The owner of any auditorium, theater or other facility open to the public in which any person or other entity intends to have a show or other entertainment involving live animals shall notify in writing the McKamey Animal Center of the City of Chattanooga, Tennessee of such intent not less than thirty (30) calendar days in advance of such show or entertainment. An administrative fee of one hundred dollars (\$100) per event shall be payable to McKamey Animal Center and accompanying the required form of notification.

(b) No owner of any auditorium, theater or other facility open to the public in which any person or other entity intends to have a show or other entertainment involving live animals shall permit or allow any such show or entertainment in the absence of an officer or employee of the McKamey Animal Center of the City of Chattanooga, Tennessee, except as provided in subsection (c) below.

(c) The McKamey Animal Center of the City of Chattanooga, Tennessee, upon receiving such notice, shall have one (1) or more of its officers or employees present at the arrival, departure and/or presentation of such show or other entertainment in order to ensure compliance with the provisions of this Chapter, provided that the McKamey Animal Center may, in its discretion, elect not to attend such show or entertainment and shall notify the owner or representative who has provided the aforesaid notification of such election in writing, and in such event no such owner shall be deemed to have violated the provisions of this section.

(d) This section does not apply to dog shows, cat shows or other similar events involving animals being judge or exhibited.
(Code 1986, § 7-90; Ord. No. 10123, § 1, 10-18-94; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-12. Inspections

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or other applicable law, an animal service officer or police officer is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained, as follows:

- (a) If such property is occupied, the officer shall first present proper credentials to the occupant and request permission to enter, explaining his reasons therefore;
- (b) If such property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the property,

present proper credentials and request permission to enter, explaining his reasons therefore; and

- (3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal services officer shall seek to obtain a warrant to conduct a search of the property.

Secs. 7-13 Reserved.
(Ord. No. 11058, § 1, 9-5-00)

ARTICLE II. IN GENERAL; IMPOUNDING

Sec. 7-14 Authority to go upon private property

An agent of McKamey Animal Center can pursue any animal for the purposes of enforcing the provisions of this chapter over open property or open fields unless requested to leave by any owner of the property. Any agent of the McKamey Animal Center, police officer, peace officer, or other employee of the city under the control and supervision of the aforementioned persons shall have the right to go on unfenced or unposted private property within the city of Chattanooga for the express purpose of enforcing the provisions of this chapter provided it is necessary or expedient for such purpose.

Sec. 7-15. Animals at large

- (a) It shall be unlawful for any person to allow any unrestrained animal belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go unrestrained or be allowed to be not directly under control. Any animal found running at large in violation of this section and any animal required to be licensed found at large unlicensed is declared to be a nuisance and liable to seizure and disposal as provided in this Chapter.
- (b) Any animal found at-large more than once in any twelve (12) month period shall be subject to seizure and/ or impoundment. Such animal shall not be redeemed by any person until such animal is both microchipped, and spayed or neutered. The owner or keeper of such animal shall be responsible for the expense of such microchipping and spay/ neuter. Spaying/ neutering and microchipping requirement will be waived upon a showing of proof of microchip/spay/neuter from a licensed veterinarian or if the owner or keeper provides a written statement from a licensed veterinarian stating that the spay/ neuter procedure would be harmful to the animal.
- (c) Estrous period. It shall be unlawful for any person owning or having ownership, possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period or in heat. During this period, the

owner or person having possession of the animal must restrain the animal in a secure, roofed enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such dog or cat not so confined may be seized and impounded. Such animal shall not be redeemed by any person until such animal is microchipped, spayed or neutered if the female animal is in heat at the time of impound as is determined by a licensed veterinarian. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved, if the owner is found to be in possession of a current breeders permit.

- (c) It shall be unlawful for any person to permit his or her animal, or an animal in such person's care, in any public park or recreation area, including pedestrian walkways and bridges, if there is posted in such park or recreation area a sign prohibiting such animals. Any animal found in a park or recreation area in violation of this section is declared to be a nuisance and liable to seizure and disposal as provided in this Chapter.

Sec. 7-16. Animal causing unsanitary conditions; prohibited.

- (a) It shall be unlawful for any person to allow an animal to cause unsanitary conditions within the city limits of Chattanooga. This serves to require the proper disposal of pet solid waste in the city of Chattanooga, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.
- (b) All owners and persons are required to immediately and properly dispose of a pet's solid waste deposited on any property, public or private, not owned or possessed by that person.
- (c) Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.
- (d) The provisions of this Article shall be enforced by the McKamey Animal Center, Park Rangers and Police Department of the city of Chattanooga.
- (e) Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a mandatory fine of \$50.00.

Sec. 7-17. Animal creating nuisance; prohibited.

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance as defined by this Chapter. The owner or custodian

must keep the animal that has been determined by the McKamey Animal Center to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the McKamey Animal Center director declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to abate the nuisance. It shall be unlawful for the animal's owner or custodian to fail to comply with the McKamey Animal Center director's instruction.
(Ord. No. 11058, § 1, 9-5-00)

Sec. 7-18. Keeping stray animals; failure to surrender stray animal.

It shall be unlawful for any person in the City to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to such person without permission of the owner. Any person within twenty-four (24) hours from the time such animal came into his or her possession must surrender the animal to the McKamey Animal Center. Upon receipt an animal services officer shall take such animal and place it in the McKamey Animal Center for a required legal stray hold period of five (5) days. If such animal is not reclaimed after five (5) days, the person may apply through normal process and fees to become the adoptive owner of the animal. The expense of sheltering fees, license fee and rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the five (5) days. No person harboring such an animal shall refuse to relinquish such animal to its legal owner prior to the expiration of said five (5) days.

Sec. 7-19. Impounding, destruction of violating animals authorized.

- (a) The McKamey Animal Center shall take up and impound any animal found running at large and/or in violation of this Chapter.
- (b) If, in the attempt to seize an animal, it becomes impossible to do so with the hands, any Animal Services or police officer, being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies, may, at his or her discretion, tranquilize the animal, discharge his or her taser, or a police officer may dispose of the animal by shooting it.

If any animal so impounded is found to be neonatal, suffering in pain, sick, injured, contagious, carrying a zoonotic disease or vicious, the animal may be immediately destroyed in a humane manner as provided in Section 7-28.

- (c) Excluding owner-relinquished animals, if the McKamey Animal Center takes custody of a domestic animal pursuant to this chapter, the McKamey Animal Center shall give notice of such seizure by posting a copy of it at the property location at which the animal was seized or and at the property at which an McKamey Animal Center officer reasonably believes the animal may reside or by delivering it to a person residing on such properties within two (2) business days of the time the animal was seized.

Sec. 7-20. Care while in custody.

Any animal care facility including any Animal Shelter shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping intact males and females and vicious dogs in separate kennels or cages and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding.

Sec. 7-21. Notification of impounding.

Immediately upon impounding an animal, the McKamey Animal Center or its designee shall give notice by postcard or letter sent certified by United States mail to the address of the owner, if known, within two (2) business days after the seizure of such animal. The letter or postcard shall inform such owner of the conditions whereby the animal may be redeemed. Notification by mail shall not be required for animals which have been impounded pursuant to this Chapter if a citation has been issued to the owner or for owner-relinquished, abandoned or quarantined animals or wildlife. (Code 1986, § 7-63; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11-58, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04)

Sec. 7-22. Redemption of impounded animals by owner; fees.

(a) The owner of a dog or cat may claim and redeem it upon payment of the license fee required by this Chapter and an impound fee of twenty dollars (\$20.00) plus board for each day such dog or cat has been kept at the McKamey Animal Center at the rate of ten dollars (\$10.00) per day; provided, however, that, upon the second and subsequent offenses, for a licensed or unlicensed dog or cat, the above fee shall be fifty dollars (\$50.00) in addition to the board of ten dollars (\$10.00) per day as set out above. All veterinary costs and/or other costs incurred as a result of impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the McKamey Animal Center.

(b) All owners of livestock may claim and redeem such animal by paying the McKamey Animal Center an impound fee of fifty dollars (\$50) and board for each day at the rate of ten dollars (\$10) per day plus the cost of any transportation of the animal to the Shelter. Such costs as well as all veterinary costs and or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full regardless of whether the animal is reclaimed or relinquished to the McKamey Animal Center. (Ord. No. 11398, § 1, 02-25-03).

Sec. 7-23. Disposition of unclaimed dogs or cats.

Any currently licensed or microchipped or otherwise unidentified dog or cat impounded shall be kept for a period of ten (10) days after certified notice is mailed to the owner, and if not

redeemed within such period may be humanely destroyed or otherwise disposed of as provided by law.

Any unlicensed or microchipped dog or cat impounded with no detectible identification shall be kept for five (5) business days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of as provided by law. (Code 1986, § 7-66; Ord. No.9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-24. Detention when rabies suspected.

Every animal determined by the Health Director to pose a risk of rabies and every animal that has bitten a human and/or been exposed to rabies or is suspected of having rabies shall be, at the direction of the Director of Health, quarantined for a minimum period of ten (10) days at the owner's home or at the McKamey Animal Center or, at the option of the owner of such animal, shall be detained in a licensed veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Director of Health or his designee, and it shall be released or, if the animal is determined by a veterinarian or the Director of Health or his designee to have rabies, humanely destroyed by the McKamey Animal Center after the termination of the observation period according to instructions from the director of health. The Director of Health may order the McKamey Animal Center to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. The owner of such dog or cat shall be liable for board fees in the amount of ten dollars (\$10.00) per day if such dog or cat is confined at the McKamey Animal Center. Such costs as well as all veterinary costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the McKamey Animal Center.

(Code 1986, § 7-67; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

State law reference-T.C.A. §§ 68-8-101—68-8-113.

Sec. 7-25. Procedure with respect to redemption or adoption of animals.

(a) No person shall adopt a dog or cat from an agency, including but not limited to an McKamey Animal Center, dog pound, animal control agency, humane shelter or private organization operating a shelter from which animals are adopted or reclaimed, unless:

- (1) the dog or cat has first been spayed or neutered; or
- (2) the new owner signs a written agreement with the agency stating that he or she will have the animal spayed/neutered within thirty (30) days after

adoption of such animal if the animal is at least six (6) months of age or to be done by the age of six (6) months.

The agency shall have the authority to require deposits from the new owner in order to ensure that the animal is spayed or neutered. The deposit shall not be less than twenty-five dollars (\$25.00). Any deposits unclaimed after a period of six (6) months from the date due for surgery and in which time reasonable efforts have been made to ensure compliance, shall be deemed to be forfeited and shall only be used for the altering of animals. The provisions of this subsection shall not apply to persons selling or giving away animals from a residence, business or retail facility.

- (c) All dogs and cats adopted from the McKamey Animal Center shall be vaccinated against rabies prior to adoption, provided that if the dog or cat is less than three (3) months old a deposit of not less than twenty-five dollars (\$25.00) shall be collected from the person adopting the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four months of age. In the alternative, a person adopting a dog or cat may prepay the cost of such vaccination at the McKamey Animal Center; such person must obtain the vaccination within fifteen (15) days of the adoption of such dog or cat if the animal is over three months of age or within fifteen (15) days of the dog or cat reaching three (3) months of age.
- (d) Except for dogs and cats for which the owner can provide proof of vaccination, all dogs and cats redeemed from the McKamey Animal Center shall be vaccinated against rabies prior to redemption, provided that if the dog or cat is less than three (3) months old a deposit of not less than twenty-five dollars (\$25.00) shall be collected from the person redeeming the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four months of age. (Ord. No. 11058, § 1, 9-5-00)

Sec. 7-26. Immediate placement for adoption or destruction of animal surrendered by owner.

An animal surrendered by its owner to the McKamey Animal Center or McKamey Animal Center may be immediately placed for adoption or humanely destroyed in the discretion of the McKamey Animal Center director or the director's designee when the owner:

- (i) Affirmatively represents by affidavit that he or she is in fact the legal owner of said animal;
- (ii) Agrees to hold the City, McKamey Animal Center and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and
- (iii) Transfers ownership of said animal to the City.

(Ord. No. 11058, § 1, 9-5-00)

Sec. 7-27. Notice of seizure of animal.

Excluding owner-surrendered animals, if the McKamey Animal Center takes custody of a domestic animal pursuant to this Chapter, the Division or its designee shall give notice of such seizure by posting a copy of it at the property location at which the animal was seized or and at the property at which an Animal Services officer reasonably believes the animal may reside or by delivering it to a person residing on such properties within two (2) business days of the time the animal was seized.

(Ord. No. 11058, § 1, 9-5-00)

Sec. 7-27. General duties of keepers of animals.

- (a) Unlawful conduct. It shall be unlawful for any person to neglect an animal as neglect is defined in this Chapter.
- (b) Breeding and reproduction of diseased animals prohibited. A person owning or having possession, charge, custody or control of an animal shall not breed, sell, give away or allow the reproduction of that animal with a disease contagious to other animals or human beings. Breeding of animals in the city limits shall not be permitted without first obtaining a breeder's permit pursuant to this chapter. Each offspring shall be considered a separate violation.
- (c) Abandonment. It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to abandon that animal on a street, road, highway, public place, McKamey Animal Center or private property. Each animal abandoned in violation of this section shall be considered a separate violation.
- (d) Public Nuisance. It shall be unlawful for any person to allow any animal under his or her care or control to become a public nuisance as defined in this Chapter.

Sec. 7-28. Destruction of dangerous, diseased or injured animals.

- (a) It shall be the duty of the Executive Director of the McKamey Animal Center to order the humane destruction of any animal lawfully taken into the custody of the McKamey Animal Center if it is deemed more humane to euthanize such animal than hold it for the required holding period due to sickness, disease, injury or danger to the safety of the community. If the animal to be euthanized under this section is microchipped, wearing an identification, rabies or license tag, the owner shall be notified before the animal is euthanized unless the animal is in critical condition and the owner cannot be reached within a reasonable period of time in which event a veterinarian may authorize euthanasia of the animal for humane reasons.
- (b) The Executive Director may issue either a verbal authorization followed by written confirmation or written authorization for such humane destruction.

(Code 1986, § 7-61; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-30. Exemption from Chapter.

This chapter does not apply to certified and trained dogs owned and utilized by any law enforcement agency during work-related activities.

(Ord. No. 11299, §2, 07-30-02)

ARTICLE III. LICENSING, PERMITTING, AND INOCULATION
OF DOGS AND CATS

Sec. 7-31. City license required; exception.

- (a) The owner of every dog and cat over the age of three (3) months in the City shall obtain a license for such dog or cat from the McKamey Animal Center or McKamey Animal Center. The license or renewal thereof shall state the sex, breed, age, color and name of the dog or cat, together with its markings, if any, the name and address of the owner and the date of registration. Such registration license shall be effective from January 1 to December 31, during the year of issuance. Owners of dogs or cats who have failed to obtain a license for their animals and owners of dogs or cats who have failed to renew the license of their animals within thirty (30) days of January 1st shall be deemed delinquent and shall, effective February 1, 2010, be subject to an additional late fee of twenty dollars (\$20.00) per dog or cat in addition to the regular license fee and in addition to any fines imposed upon such owners by a court of competent jurisdiction.
- (b) The provisions of this section shall not apply to:
 - i) Nonresidents of the City who are traveling through the City or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs or cats into the City exclusively for show or exhibition purposes.
 - ii) An animal rescued by a registered rescue organization (as defined in this chapter) for a period of one (1) year from the intake/rescue of such animal.
- (c) The McKamey Animal Center shall issue a metal license tag for each dog or cat registered as provided herein, marked "Registered, [date], Chattanooga, No. ---." Such tag shall be fastened to the dog's or cat's collar and worn by the dog or cat at all times. Breakaway collars are recommended when tags are affixed to collars worn by cats. It shall be unlawful for any person to use a tag on a dog or cat for

which such tag was not issued. License tags issued to dangerous dogs and to potentially dangerous dogs shall be of a distinctive color different from regular license tags and different from each other.

Sec. 7-32. License fees.

- (a) Subject to the provisions of subsection (b) below, the annual license fee for dogs and/or cats shall be ten dollars (\$10.00) each; provided, that a surcharge of an additional forty dollars (\$40.00) annually shall be levied against all dogs and cats which are not neutered. The license will be valid from January 1st to December 31st as long as a legal rabies vaccination is kept current. Licenses for up to three (3) animals that are neutered and owned by senior citizens over age sixty-five (65) shall be free as long as the animals are current on rabies vaccinations. The McKamey Animal Center is authorized to charge a fee of five dollars (\$5.00) for each lost tag replaced. The McKamey Animal Center is authorized to charge a fee for implantation of microchips for the purpose of identification, registration and return of impounded pets to owners. Annual licenses will also be sold to participating licensed veterinarians by the McKamey Animal Center for resale to clients. Licensed veterinarians may add an additional \$2.00 convenience fee to each license fee the convenience fee will be retained by the participating veterinarian. The veterinarian will be required to submit a monthly report to the McKamey Animal Center before the 5th day of each month, regarding the disposition of the licenses sold to his/her clients.

- (b) The annual license fee for a potentially dangerous dog (PDD) shall be fifty dollars (\$50.00) each; provided, that a mandatory surcharge of an additional fifty (\$50.00) shall be levied against all such dogs which are not spayed or neutered. The annual license fee for a dangerous dog (DD) shall be one hundred fifty dollars (\$150.00) each provided, that a mandatory surcharge of an additional fifty (\$50.00) shall be levied against all such dogs which are not spayed or neutered. The licenses for potentially dangerous dogs and dangerous dogs must be renewed by January 1st each calendar year. The license fees set forth in this subsection (b) apply to all potentially dangerous dogs and dangerous dogs regardless of ownership. (Ord. No. 11299, §4, 07-30-02; Ord. No. 11651, §, 12-14-04)

- (c) The licenses, fees and taxes collected pursuant to this Article shall be used by the McKamey Animal Center for the purposes set forth in this Chapter or otherwise provided by contract. The surcharge for unneutered dogs and cats shall be used exclusively for the sterilization of companion animals. [Formerly Sec. 7-34; Ord. No. 11058, § 1, 9-5-00] (Ord. No. 11651, §, 12-14-04)

Sec. 7-33. Multiple-pet, pet/animal dealer, and breeder/kennel/cattery permits.

- (a) No person or organization shall keep, lodge or maintain in excess of seven (7) dogs and/or cats, unless such person or organization shall apply for and receive a multiple-pet permit from the McKamey Animal Center.
- (b) This requirement shall not apply to a registered rescue organization, an animal shelter, a zoo of a governmental agency, or an institution of higher learning.
- (c) Any person operating a rescue organization or shelter must register with McKamey Animal Center, providing documents as may be required for proof of rescuer status, in order to fit within the exceptions to licensing and permitting in this chapter.
- (d) Any pet/animal dealer, as defined in this chapter, must apply for and receive a pet/animal dealer permit from McKamey Animal Center.
- (e) Any person who owns or has control of a dog or cat and who intentionally or accidentally causes or allows the breeding of such dog or cat shall obtain a breeder's permit.
- (f) Multiple-Pet and Pet Dealer permits will not be issued to persons found to have violated City and/or state laws regarding neglect or cruelty.

(Ord. No. 11651, §, 12-14-04; Ord. No. 11760, § 6, 10-25-05)

Sec. 7-34. Permits generally.

- (a) All animal-related permits will be valid from January 1st to December 31st of the year of purchase and will be required in addition to any other licenses or permits required by this chapter.
- (b) Said permits shall be:
 - (i) Multiple-Pet Permit: fifty dollars (\$50.00) per year providing that all animals are altered. Any unaltered animal cannot be covered under the multiple pet permit.
 - (ii) Pet Dealer Permit: three hundred dollars (\$300.00) per year.
 - (iii) Breeder / Kennel / Cattery Permit: two hundred fifty dollars (\$250.00) per year, except that such fee will no longer be required upon the spaying of all breeding animals on the premises.
 - (iv) Registered Rescue Organization: no permit fee is charged provided the rescue organization complies with the state law regarding sterilization of adoptable animals and complies with the requirements regarding standards of care required by this chapter.

- (c) Facilities or quarters where animals are kept shall meet minimum standards based on the definitions regarding adequate care.
- (d) Facilities of any of the above permit applicants and registered rescue organizations will be subject to inspection by Animal Service Officers for compliance with this chapter's and the permit's minimum standards.
(Ord. No. 11760, § 7, 10-25-05)
- (e) Such permits may be revoked if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of such permit may only be reinstated after successfully passing an inspection of such facilities and paying the cost of such permit and any applicable fines and fees.
- (f) Any advertisements for the sale, bartering or adoption of animals covered by these permits shall state the breeder or pet dealer permit number, if applicable, in such advertisement. Violations of this requirement shall be subject to a fine of \$50.00 per occurrence.
- (g) It shall be unlawful to sell barter, trade or adopt any animal as a curbside sale within the city limits of Chattanooga.
- (h) Whether or not required to have a permit, any person or shelter who sells, barter, adopts out or otherwise gives away a dog or cat shall keep a written record of the description of the animal and the name and address of the purchaser/ adoptee. Such records shall be kept for at least one year and will be provided to the McKamey Animal Center upon request.
(Ord. No. 11651, § 1, 12-14-04; Ord. No. 11760, § 7, 10-25-05)
- (i) Persons who meet the criteria to have a permit under this section but who have failed to obtain a permit or who have failed to renew the permit within thirty (30) days of the expiration of any prior license shall be deemed delinquent and shall, effective January 1, 2010, be subject to an additional late fee of twenty dollars (\$20.00) per permit in addition to the regular permit fee and in addition to any fines imposed upon such owners by the City Court of the City of Chattanooga.

Sec. 7-34. Permits, generally.

- (c) All animal-related permits will be valid from January 1st to December 31st of the year of purchase and will be required in addition to any other licenses or permits required by this chapter.
- (d) Said permits shall be:
 - (i) Multiple-Pet Permit: fifty dollars (\$50.00) per year.
 - (ii) Pet Dealer Permit: three hundred dollars (\$300.00) per year.

- (iii) Breeder / Kennel / Cattery Permit: two hundred fifty dollars (\$250.00) per year, except that such fee will no longer be required upon the spaying of all breeding animals on the premises.
- (iv) Registered Rescue Organization: no permit fee is charged provided the rescue organization complies with the state law regarding sterilization of adoptable animals and complies with the requirements regarding standards of care required by this chapter.
- (e) Facilities or quarters where animals are kept shall meet minimum standards based on the definitions regarding adequate care.
- (f) Facilities of any of the above permit applicants and registered rescue organizations will be subject to inspection by Animal Service Officers for compliance with this chapter's and the permit's minimum standards.
(Ord. No. 11760, § 7, 10-25-05)
- (j) Such permits may be revoked if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of such permit may only be reinstated after successfully passing an inspection of such facilities and paying the cost of such permit and any applicable fines and fees.
- (k) Any advertisements for the sale, bartering or adoption of animals covered by these permits shall state the breeder or pet dealer permit number, if applicable, in such advertisement. Violations of this requirement shall be subject to a fine of \$50.00 per occurrence.
- (l) It shall be unlawful to sell barter, trade or adopt any animal as a curbside sale within the city limits of Chattanooga.
- (m) Whether or not required to have a permit, any person or shelter who sells, barter, adopts out or otherwise gives away a dog or cat shall keep a written record of the description of the animal and the name and address of the purchaser/ adoptee. Such records shall be kept for at least one year and will be provided to the McKamey Animal Center upon request.
(Ord. No. 11651, § 1, 12-14-04; Ord. No. 11760, § 7, 10-25-05)
- (n) Persons who meet the criteria to have a permit under this section but who have failed to obtain a permit or who have failed to renew the permit within thirty (30) days of the expiration of any prior license shall be deemed delinquent and shall, effective February 1, 2010, be subject to an additional late fee of twenty dollars (\$20.00) per permit in addition to the regular permit fee and in addition to any fines imposed upon such owners by the City Court of the City of Chattanooga.

Sec. 7-35. Rabies inoculation required.

- (a) Any person who owns keeps or harbors a dog or cat within the City shall have such dog or cat properly inoculated or immunized against rabies. Any person who obtains an uninoculated dog or cat shall at once have such dog or cat properly inoculated against rabies and have the first time inoculation repeated one (1) year thereafter; thereafter the duration of the rabies vaccination cannot exceed three (3) years and must be in accordance with manufacturer's recommendation provided that, dogs and cats need not be inoculated before reaching the age of three (3) months.
- (b) No person shall bring a dog or cat into the City for sale, exchange, offer for adoption, or giving away from another state unless such dog or cat, being at least 3 months of age, has been inoculated by a veterinarian of the state in which the owner, caretaker or responsible person lives and the owner, caretaker or responsible person of such dog or cat has in his/her possession a certificate of the vaccination or inoculation.

Sec. 7-36. Inoculation records required; tags.

Any veterinarian who inoculates or reinoculates a dog or cat against rabies shall keep a record of such inoculation or reinoculation and shall provide the owner of the dog or cat with an approved tag, which shall have thereon, indelible or engraved, the year of inoculation and a number which shall correspond with the number on the record kept by the person inoculating or reinoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat.

Secs. 7-37 - 7-40. Reserved.

[Former Secs 7-35, 7-36, and 7-37 were incorporated into Secs. 7-32 and 7-34]

(Ord. No. 11651, §, 12-14-04)

ARTICLE IV. BARKING DOGS

Sec. 7-38. Definition.

As used in this Article, "barking dog" means any dog which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital or creates any other noise that a reasonable person would find distressing or disruptive, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 15

minutes or more in any 24-hour period, or intermittent barking for 30 minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this Chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked or is responding to an emergency. (Ord. No. 11273, 05-07-02)

Sec. 7-39. Barking dogs generally.

- (a) It shall be unlawful for a barking dog to exist in the City as defined by this Article.
- (b) For purposes of this Article, a person violates this Section as follows:
 - (1) Allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.
 - (2) A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.
 - (3) A person who is the owner of, or a person who is a lessee or sub lessee with the current right of possession of, real property in or upon which a barking dog violation occurs.
 - (4) For purposes of this Section, "person" includes a natural person, legal entity, or the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.
 - (5) For the purposes of this Section, there may be more than one person responsible for a barking dog violation.

Sec. 7-40 Citation for barking dog.

- (a) Animal services officers have the authority to issue a citation to any person responsible for a barking dog violation if probable cause exists based upon the officer's investigation.
- (b) A person who violates this Article shall be liable for and shall pay to the City of Chattanooga a fine as described in the barking dog citation when due or contest the citation.
- (c) Prior to issuing a citation for a barking dog, the person responsible shall be given a ten (10) day warning period within which to correct the problem.

- (d) Each day a barking dog violation exists shall be a separate violation and be subject to a separate citation and fine. A barking dog citation may include a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more Code sections.

Sec. 7 - 41 Barking dog citation contents.

Each barking dog citation shall contain the following information:

- (a) Date on which a complaint or personal inspection established the barking dog violation(s);
- (b) Name of the person responsible for the barking dog violation(s) (if known);
- (c) Address where the barking dog violation(s) occurred;
- (d) The Code section(s) violated;
- (e) How the violation(s) were established;
- (f) Amount of the fine for the violation(s) and procedure to pay the fine to avoid a late payment penalty;
- (g) Designation of prior citations issued for the same Code violation(s), if known by the animal services officer;
- (h) Notification of an assigned court date, time and location where the fine may be contested;
- (i) A notice that a barking dog violation is a nuisance and that collection of unpaid fines and/or penalties can result in additional fines;
- (j) Signature of the animal services officer who issued the barking dog citation;
- (k) Date upon which the barking dog citation was issued;
- (l) Proof of service to be completed by the animal services officer indicating whether citation was issued by personal service, by mail, or by posting in a conspicuous place on the property where the barking dog violation occurred; and
- (m) Any other information deemed necessary by the animal services officer for enforcement or collection purposes.

Sec. 7- 42. Service of barking dog citation.

A barking dog citation may be served as follows:

- (a) An animal services officer may personally serve the barking dog citation on the person responsible.
- (b) An animal services officer may mail the civil citation by certified mail, return receipt requested, if the property owner and/or occupier's name is known but the violator is not present when personal service is attempted. The citation shall be mailed to the address where the barking dog violation occurred.
- (c) An animal services officer may post a copy of the barking dog citation in a conspicuous place on the property where the barking dog violation occurred if the property owner and/or occupier's name is unknown. In this event, the citation shall also be mailed addressed to the owner of the property where the barking dog violation occurred. A copy of the citation shall also be mailed within twenty-four (24) hours of posting the citation addressed to "Resident" at the address where the barking dog violation occurred.

Sec. 7- 43. Payment of barking dog civil fines.

- (a) A person who receives a citation under this Article may:
 - (1) Pay the fine in accordance with the instructions on the citation, directly to the City of Chattanooga;
 - (2) Elect to contest the citation for the alleged violation in a hearing before a City Judge, in accordance with instructions on the citation.
- (b) To avoid additional penalties, fines for barking dog violations must be received within fifteen (15) days of the date they are due.
- (c) Payment of a fine shall not excuse the violator from correcting the barking dog violation. The issuance of a barking dog citation and/or payment of a fee shall not bar the City from taking any other enforcement action regarding a barking dog violation that is not corrected.

Sec. 7-44. – 7-45. Reserved.

ARTICLE V. CRUELTY

Sec. 7-46. Failure to feed and water impounded animals.

It shall be unlawful for any person who impounds or causes to be impounded any animal in any shelter or other place in the City to fail to supply to such animal during such confinement

adequate care as defined in this Chapter. If any animal is at any time impounded as provided herein, and continues to be without adequate care as defined in this Chapter, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon the premises where such animal is confined, and to supply it with necessary food and water so long as it remains so confined, and such person shall not be liable to any action for such entry. (Code 1986, § 7-84; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12056, § 1, 12-18-07)

Sec. 7-47. Transporting in inhumane manner.

- (a) It shall be unlawful for any person in the City to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner or to leave an animal in a vehicle in a manner so as to subject such animal to excessive heat.
- (b) No person shall transport any dog in or on the back of any open truck or other open vehicle while traveling on any city road, street, highway, lane or alley except as otherwise provided by this Section.
- (c) This section shall not apply to any person who transports a dog in any open truck or other open vehicle which is sufficiently enclosed by stakes, racks, or is equipped with other devices which prevent the dog from falling, hanging, or escaping from the vehicle.
- (d) This section shall not apply to any person while engaged in agricultural livestock activities.

(Code 1986, § 7-85; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12056, § 2, 12-18-07)

Sec. 7-48. Authority to prevent acts of cruelty; unlawful interference.

Any Animal Services Officer or police officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer in the discharge of such duty. (Code 1986, § 7-87; Ord. No. 11058, § 1, 9-5-00, Ord. No. 11651, § 12-14-04; Ord. No. 12056, § 2, 12-18-07)

Sec. 7-49. Tethering dogs and other animals.

- (a) It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a more than a reasonable period of time or in a location so as

to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by an animal services officer.

- (b) The terms “unhealthy situation” and “potentially dangerous situation” shall include, but not be limited to the following:
- (1) Tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object for longer than a reasonable time;
 - (2) Tether any animal in such a manner as to permit the animal to leave the owner’s property;
 - (3) Tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;
 - (4) Tether any companion animal in a manner whereby the animal is subject to harassment and perpetual stings or bites that show evidence of injury from outdoor insects, or attacks by other animals;
 - (5) Failure to remove waste from the tethered area on a daily basis;
 - (6) Allow more than one animal to be tethered to each running cable or trolley line.
 - (7) Use a tether that weighs more than one fifth (1/5) of the animal’s body weight.
 - (8) Tether, chain, attach to a running cable line or trolley system any animal between the hours of 10 p.m. and 6 am;
 - (9) Use a running cable line or trolley system that is made of a substance which can be chewed by the animal;
 - (10) Not allow the length of the tether from the running cable line or trolley system to the animal’s collar and permit access to the maximum available exercise area and allow the animal free access to food, water, and shelter;
 - (11) Not be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog’s throat through which two fingers may fit; and
 - (12) Not be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that

could result in injury of strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

- (c) A person may do any of the following provided the dog does not become a nuisance to neighbors:
- (1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar or for longer than a reasonable period of time.
 - (2) Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a recreational area.
 - (3) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
 - (4) Tether, fasten, chain, or tie a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Tennessee if the activity for which the license is issued is associated with the use or presence of a dog.
- (d) Nothing in this Section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.

Sec. 7-50. Sale, barter or giving away of baby chickens, ducklings, other fowl or baby rabbits.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter or give away baby chickens, ducklings, or other fowl under three (3) weeks of age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, fowl or rabbits, or to bring or transport the same into the City, provided that, this shall not be construed to prohibit the sale or display of such baby chickens, ducklings, fowl or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for the purpose of commercial breeding or raising. [Formerly Sec. 7-46] (Code 1986, § 7-89; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12056, § 2, 12-18-07)

Sec. 7-51. Unattended Animals left in automobile:

- (a) A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.
- (b) A person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:
 - (1) a law enforcement officer;
 - (2) a public safety employee of the State or of a local governing body;
 - (3) an animal control officer under the jurisdiction of the State or the City; or
 - (4) a volunteer or professional of a fire and rescue service.
- (c) A person described in this section may not be held liable for any damages directly resulting from actions taken under the provisions this section.

Secs. 7-52 – 7-54. Reserved.

ARTICLE VI. DEAD ANIMALS

Sec. 7-55. Disposition of large animals in City prohibited; exception.

It shall be unlawful for any person to bury any large dead animal in the City or within one (1) mile of the corporate limits or to deposit the same upon the surface of the ground or throw it into any river, creek or other stream or any well, cistern, cellar or other excavation or to hide it in any culvert or other place or in any way to leave or dispose of it in the City or within one (1) mile of the corporate limits; provided that, the McKamey Animal Center director or the director's designee may issue a permit for the disposal of large dead animals, under such regulations as the director may prescribe, in the City, at such places as will not, in his or her judgment, be detrimental to the public health or comfort.

(Code 1986, § 7-101; Ord. No. 9654, § 71, 1-6-92; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-56. When owner or occupant to remove large animal from premises.

The owner or occupant of any premises in the City upon which any large animal dies or is found dead shall remove such animal, or cause the same to be removed, to some point more than one (1) mile beyond the corporate limits within six (6) hours from the time such animal dies, or

is found dead, unless it dies or is found dead after 6:00 p.m., which it shall be removed before noon of the following day.

(Code 1986, § 7-102; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-57. Disposition of small animals.

All small dead animals shall be placed and kept in cans provided for the removal of garbage until collected by the City. Animals may also be presented for euthanasia and cremation at the McKamey Animal Center. (Code 1986, § 7-103; Ord. No. 9654, § 72, 1-6-92; Ord. No. 11058, § 1, 9-5-00)

Secs. 7-58 --7-60. Reserved.

(Ord. No. 11058, § 1, 9-5-00)

ARTICLE VII. TRAPPING ANIMALS

Sec. 7-61. Definition.

As used in this Article, "trapping" means taking, killing and capturing wildlife by the use of any trap, snare, deadfall or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls and other devices, whether or not such acts result in taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls or other devices.

(Code 1986, § 7-121; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-62. Poisoning or trapping animals.

It shall be unlawful to trap animals within the city limits of Chattanooga unless a humane trap is used and the animal is humanely destroyed or relocated as is allowed by this chapter. This shall not be deemed to apply to setting traps for vermin in any house or other building or to apply to any licensed trapper removing nuisance or destructive wildlife. It shall be unlawful for any person to poison or trap any animal or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any place outside of the buildings within the corporate limits of the city where companion animals may secure or encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method may be used. This provision shall not be construed to prohibit the trapping of wildlife in accordance with State law.

Sec. 7-63 – 7-70. Reserved.

(Ord. No. 11058, § 1, 9-5-00)

ARTICLE VIII. LARGE ANIMALS

Sec. 7-71. Large animals-Record to be kept.

Whenever any large animal of any kind or any livestock is found which is required to be impounded, the McKamey Animal Center shall take such animal to the Animal Shelter or other adequate holding facility and shall maintain a careful description of the animal, the precise date and time of day at which it was found and in what locality it was found. Such records shall always be open for inspection by the public under the supervision McKamey Animal Center. The records of such large animals must be available to the public during normal Animal Shelter hours.

(Code 1986, § 7-30; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-72. Large animals-Notices of detention; sale.

On the next business day following the impounding of any large animal or livestock of any kind, the McKamey Animal Center shall cause notices of the detention of the animal to be written, containing a full description and the particulars of the animal, and shall post at large two (2) of such notices at Chattanooga City Hall in a conspicuous place and in the same notice shall recite that if not redeemed by the owner thereof within ten (10) days from the date of posting the notice, the animal will be sold at public auction to the highest bidder for cash at a day and hour specified in the notice or offered for adoption. Final legal disposition is at the discretion of the McKamey Animal Center. All notices shall be numbered consecutively and the McKamey Animal Center shall retain and post a copy of each. If any large animal or livestock of any kind is not redeemed in the time specified in the notice of detention, it shall be sold by or at the direction of the McKamey Animal Center at the date and hour specified in such notice at public auction to the highest bidder for cash.

(Code 1986, §§ 7-31 & 7-32; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-73. Large animals-Disposition of animals not sold.

Unclaimed large animals or livestock not sold as provided in Section 7-72 may be adopted by persons other than their owners upon payment of all accrued fees, and if not so adopted, may be humanely destroyed by the Animal Service Division or otherwise disposed of.

(Code 1986, § 7-33; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-74. Keeping or possessing swine, goats or chickens.

(a) It shall be unlawful for any person to keep or possess swine, goats, chickens or roosters within the City on property other than agriculturally zoned land, unless such animals are kept on a tract of land containing five (5) or more contiguous acres. Any such animals must be kept or maintained in a manner which does not constitute a nuisance, including foul or offensive odors. Any person keeping chickens and/or roosters on a tract of land containing two (2) or more

contiguous acres prior to December 1, 2005, shall be permitted to continue, provided that such use is not discontinued for thirty (30) or more continuous days.

(b) This section shall not be construed to apply to persons possessing such animals for the purpose of being transported through the City, to such animals being kept and offered for sale at regularly operated stockyards or slaughterhouses, or which are located temporarily on property for the purpose of controlling kudzu or other invasive plants. This section shall also not apply to Miniature African Pigs or Pot-Bellied Pigs kept as house pets. In the event that the animals are kept for the purpose of controlling kudzu or other invasive plants, the property owner must meet the requirements of Section 7-74(c).

(c) Any animals brought in temporarily to privately owned non-agricultural zones for the purpose of controlling kudzu or other invasive plants shall be subject to the following requirements:

- (1) The animals shall be managed and monitored by a person who is a certified Goat Browsing Contractor or an appropriate contractor with equivalent certification, and who carries a minimum of One Million and 00/100 Dollars (\$1,000,000.00) of liability insurance.
- (2) The owner of the property to be browsed by the animals shall obtain written permission from the owner of the property through which the animals must gain access to the area to be browsed by animals, at least ten (10) business days prior to beginning operation. The use of animals shall be accomplished in a non-threatening manner, and shall be maintained so as not to infringe upon surrounding neighbors.
- (3) The area to be browsed by animals shall be measured, staked, and appropriately fenced.
- (4) The animals shall remain within a secure enclosure at all times. The animals may be moved to a separate holding pen at night, which shall be located the maximum distance practicable from residences.
- (5) The animals shall be used for controlling kudzu or other invasive plants only and shall be removed when seasonal control has been established.
- (6) Property owners shall remove and properly dispose of droppings from cattle, goats, or sheep, as needed, to prevent accumulation, to avoid a health or sanitation problems, or the breeding of flies, and to prevent discharge into the storm water system.

- (7) The use of animals to control kudzu or other invasive plants shall be accomplished in such a way as to not create erosion. Reasonable care must be taken to prevent storm water run-off or in creating water quality issues.
- (8) Any private landowner who uses animals to control kudzu shall obtain a permit from the City of Chattanooga Land Development Office. The permit fee shall be Fifty and 00/100 (\$50.00) Dollars and shall be valid for one growing season (April 1st through October 31st) and as long as the permit holder remains in compliance with this ordinance. Any such permit may be revoked by the head of Public Works upon satisfactory evidence that the requirements of Section 7-74(c) are not being complied with by the property owner or the contractor.
- (9) Once a permit is obtained by the landowner, the landowner will be given the list of Certified Goat Browsing Contractors. The landowner must contract with one of the list of Certified Goat Browsing Contractors or with an approved contractor with equivalent certification. All goat browsing or equivalent contractors shall have a current City business license.
- (10) An inspection shall be conducted before the permit is approved. Another inspection shall be conducted before animals are placed on the property to ensure proper fencing has been established. Interim inspections may be conducted to determine if the contractor is complying with Section 7-74(c). A final inspection will be required after the browsing project is complete to ensure that the animals are removed from the site and any temporary fencing is dismantled.

(Code 1986, § 7-1; Ord. No. 9305, § 1, 1-16-90; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11760, § 1, 10-25-05; Ord. No. 12066, 01-15-08)

Sec. 7-75. Horses, mules prohibited on sidewalks.

It shall be unlawful for any person to permit any horse or mule in his custody to go upon any sidewalk in the City. This section shall not apply to police officers in the official performance of their duties.

(Code 1986, § 7-2; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-76. Livestock at large prohibited.

It shall be unlawful for any person owning or controlling any bovine, swine, ratites, cattle, horses, mules, sheep, or goats to allow such animals to run at large in the streets or on any privately owned land in the City without the permission of the owner of such land.

(Code 1986, § 7-3; Ord. No. 11058, § 1, 9-5-00)

State law reference-T.C.A. § 44-8-401.

Sec. 7-77. Dangerous, mischievous animals at large prohibited.

It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such animal to run at large in the City.
(Code 1986, § 7-4; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-78. Fowl running at large, trespassing prohibited.

It shall be unlawful for the owner of any chicken or other fowl to permit it to run at large or upon the premises of any other person in the City.
(Code 1986, § 7-5; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-79. Repealed. (Ord. No. 11760, § 9, 10-25-05)

Editor's Note – The repealed section dealt with police officers being required to report to Animal Services any animal or fowl found running at large unlawfully. (Code 1986, § 7-6; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-80. City declared wild bird sanctuary; acts prohibited.

The entire area embraced within the City is hereby designated as a sanctuary for wild birds. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or to rob any bird's nest. When any species of wild bird is found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, and if such are declared by qualified authorities to be creating a public nuisance and the Mayor is so informed, appropriate action may be taken by duly constituted officials after a thorough investigation. Trapping or killing of such birds shall not be resorted to unless Audubon societies, bird clubs, the McKamey Animal Center or humane societies are unable to find a satisfactory alternative. Legal permitted hunting through the State of Tennessee expressly exempted from this provision.

(Code 1986, § 7-7; Ord. No. 11058, § 1, 9-5-00)

ARTICLE IX.

DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

Sec. 7-81. Findings.

(a) Dangerous dogs have become a serious and widespread threat to the safety and welfare of citizens and domestic animals of this City. In recent years, dogs have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed other animals. Many of these attacks have occurred in public places.

(b) The number and severity of these attacks are often attributable to the failure of owners to register, confine and properly control dangerous and potentially dangerous dogs.

(c) The necessity for the regulation and control of dangerous and potentially dangerous dogs is a citywide problem, requiring regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by dangerous and potentially dangerous

dogs.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-82. Citation for Designation of Dangerous Dog or Potentially Dangerous Dog; Hearing; Designation of Dangerous Dog or Potentially Dangerous Dog; Imposition of Conditions; No Change of Ownership Pending Hearing.

(a) If an Animal Services officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is potentially dangerous or dangerous, a citation shall be issued for the owner to appear in City Court for the purpose of determining whether or not the dog in question should be designated as a potentially dangerous dog or dangerous dog. Except by agreement of the respondent and counsel for the City and with the approval of the judge, the hearing shall be held not less than five (5) nor more than fifteen (15) business days after service of citation upon the owner or keeper of the dog.

(b) The Court shall designate a dog as a "potentially dangerous dog" if the Court finds, upon a preponderance of the evidence, that the dog:

- (i) has, without provocation, chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or
- (ii) has attempted to attack or has attacked a person or domestic animal within the prior 18-month period while on or off the property of its owner; or
- (iii) has, within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
- (iv) has, when unprovoked while on or off the property of its owner, bitten a person or a domestic animal causing a minor injury.
- (v) or has engaged in other comparable conduct.

(c) The Court shall designate a dog as a "dangerous dog" if the Court finds, upon a preponderance of the evidence, that the dog:

- (i) has, without provocation on two or more occasions chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

- (ii) has attempted to attack or has attacked a person or domestic animal on two (2) or more occasions within the prior 18-month period; or
- (iii) has, within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
- (iv) has, when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or
- (v) has previously been declared a potentially dangerous dog but has not been kept in compliance with any restrictions placed by the City Court judge upon the owner of such dog; or
- (vi) has been owned, possessed, kept, used or trained in violation of Tennessee Code Annotated § 39-14-203.
- (vii) or has engaged in other comparable conduct.

(d) No dog may be declared potentially dangerous or dangerous as a result of injury or damage if at the time the injury or damage the victim of the injury or damage (i) was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog; (ii) was teasing, tormenting, abusing or assaulting the dog, or (iii) was committing or attempting to commit a crime. No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared potentially dangerous or dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

(e) Upon designating a dog as a dangerous dog or a potentially dangerous dog, the Court shall impose the restrictions on the owner of such dog as set forth in this Article and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The Court shall reduce such restrictions to writing and have them served on the respondent.

(f) It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.

(g) It shall be unlawful for any person who has been served with a citation to appear in City Court for the purpose of determining whether such person's dog should be designated as

a potentially dangerous dog or dangerous dog to transfer ownership of such dog until after the City Court has issued a ruling on such a citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog to another person without (1) having advised such other person that the dog has been designated as a potentially dangerous dog or dangerous dog and (2) having advised such other person in writing of the restrictions that have been placed upon such dog.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-83. Notice of Designation.

Within ten (10) working days after a hearing conducted pursuant to this Article, the owner or keeper of the dog, if absent from the hearing, shall be notified by the City Court in writing of the decision of the Court and of any restrictions imposed upon the respondent, either personally through MAC or by first-class mail, postage prepaid. If a dog is declared to be potentially dangerous or dangerous, the owner or keeper shall comply with all restrictions imposed by this article and by the City Court.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-84. Impoundment and Abatement Of Potentially Dangerous Dog Or Dangerous Dog.

(a) If upon investigation it is determined by the Animal Services officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the Animal Services officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this article. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice of a hearing to be held pursuant to this article to declare the dog dangerous or potentially dangerous.

(b) Any Animal Services officer may impound any potentially dangerous dog or dangerous dog if the Animal Services officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a potentially dangerous dog or dangerous dog shall surrender such a dog to any Animal Services or law enforcement officer upon demand. In the event such a dog is impounded, the Animal Services officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(c) If a dog has been impounded pursuant to subsection (a) or subsection (b), the Animal Services Manager may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety. Notwithstanding any other provision of this chapter, the daily boarding fee for a dog impounded pursuant to subsection (a) or subsection (b) shall be ten dollars (\$10.00).
(Ord. No. 11398, §3, 02-25-03)

(d) No dog that has been designated by the Court as a dangerous dog or potentially dangerous dog may be released by the McKamey Animal Center or a veterinarian until the owner has paid all veterinary costs and all other fees and costs of the McKamey Animal Center that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a dangerous dog or potentially dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by MAC. Euthanasia or surrender to MAC or the McKamey Animal Center of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of the euthanasia or surrender.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-85. Possession Unlawful Without Proper Restraint; Failure to Comply With Mandatory Restrictions.

It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such dog as a potentially dangerous dog or a dangerous dog.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-86. Mandatory Restrictions on Potentially Dangerous Dogs.

Once the dog is designated as a potentially dangerous dog by the Chattanooga City Court, the following shall be restrictions are mandatory upon the owner or custodian of such dog:

- (a) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;
- (b) The owner must allow inspection of the dog and its enclosure by the MAC and must produce, upon demand, proof of compliance with such restrictions;
- (c) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the MAC, to keep the dog on certain specified premises from the landlord or property owner;

- (d) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the MAC; and
- (e) The owner and dog must attend and successfully complete an American Kennel Club canine good citizenship course and test within a time specified by the Court.

The Court may impose additional restrictions that the Court deems necessary.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-87. Mandatory Restrictions on Dangerous Dogs.

- (a) If the dog is designated as a dangerous dog by the Chattanooga City Court, the owner or custodian of such dog shall comply with the following restrictions:
 - (1) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five feet from the outer fence;
 - (2) The owner must allow inspection of the dog and its enclosure by the MAC and must produce, upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the City Court;
 - (3) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the MAC, to keep the dog on certain specified premises from the landlord or property owner;
 - (4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the MAC that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior;
 - (5) A sign, available exclusively from MAC, the cost of which shall be included in the annual fee for a dangerous dog, having reflective letters and backing with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Dangerous Dog" shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept;

- (6) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;
- (7) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;
- (8) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure;
- (8) Such dog shall be photographed by the MAC for future identification purposes;
- (10) Neutering or spaying of the dog;
- (11) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to MAC;
- (12) Requiring the owner of the animal or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance;
- (13) Maintaining and updating annually a record maintained with MAC that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photo of the animal and any other information deemed necessary by the MAC;
- (14) Samples preserved for possible DNA identification which must be delivered to MAC;
- (15) The wearing of a collar and/or tag that visually identifies the dog as being dangerous (purchased through the MAC);
- (16) Notification in writing to the MAC of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the City or outside the City and/or to transfer ownership of the dog; and

(17) Any other reasonable requirement specified by the City Court.

(b) The cost of all such restrictions must be paid by the owner.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-88. Removal of Designation of Potentially Dangerous Dog.

If there are no additional instances of the behavior described in Sec. 7-82(b) within 18 months of the date of designation as a potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to the MAC that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the MAC may petition the City Court to remove such designation.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-89. Change Of Ownership, Custody Or Location Of Dog; Death of Dog.

(a) The owner or custodian of a dangerous dog or potentially dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen days prior to the actual transfer or removal of the dog, notify MAC in writing of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

(b) The owner or custodian shall, in addition to the above, notify any new owner or custodian of a dangerous dog or potentially dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner or custodian shall also provide MAC with a copy of the notification to the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. MAC may impose different or additional restrictions or conditions upon the new owner or custodian.

(c) If a dangerous dog or potentially dangerous dog should die, the owner or custodian shall notify MAC no later than twenty-four (24) hours thereafter and, upon request, from MAC shall produce the animal for verification or evidence of the dog's death that is satisfactory to MAC.

(d) If a dangerous dog or potentially dangerous dog escapes, the owner or custodian shall immediately notify MAC and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.

(e) The following persons must notify MAC when relocating a dog to Chattanooga, even on a temporary basis:

- (1) the owner of a potentially dangerous or dangerous dog that has been designated as such by another lawful body other than the City of Chattanooga; and
- (2) the owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the City of Chattanooga based upon the behavior of the dog.

No such designation as a dangerous dog or potentially dangerous dog or any similar such designation shall be recognized by the City of Chattanooga if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter.
(Ord. No. 11299, §6, 07-30-02)

Sec. 7-90. Unlawful use of a dog.

- (a) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.
- (b) Upon a finding of violation, the city court upon request shall order the dog forfeited and/or destroyed.

ARTICLE X. GUARD DOGS.

Sec. 7-91. Guard Dog Purveyor; License; Fees.

(a) It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license so to do issued to said person, firm or corporation by MAC. Only a person who complies with the requirements of this chapter and such rules and regulations of MAC as may be adopted pursuant hereto shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person and place for which issued. Said licenses shall be valid for one year from date of issue.

(b) The fee for such license shall be two hundred fifty dollars (\$250.00) per year, to be renewed annually.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-92. Guard Dog Purveyor; License; Application; Contents.

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the MAC. Such application shall be filed with the MAC and shall include the following:

(a) A legal description of the premises or the business address of the office from which said applicant desires to supply guard dogs;

(b) A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the application shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

(c) A written acknowledgment by the applicant that prior to the actual commercial sale or purveyance of any and all guard dogs the licensee shall coordinate with the MAC in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee to the City of Chattanooga prior to the animal performing guard dog functions.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-93. Guard Dog Trainer; License; Application; Contents.

Any person desiring to train dogs as guard dogs shall make written application for a license on a form to be provided by the MAC. All such applications shall be filed with the MAC and shall contain the following:

(a) A legal description or business address of the premises at which the applicant desires to train the guard dogs;

(b) A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization which trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of said entity and shall provide the name of the major executive officer of said entity;

(c) If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at said location for the duration of the license; and

(d) The fee for such license shall be fifty dollars (\$50.00) per year, to be renewed annually. (Ord. No. 11299, §6, 07-30-02)

Sec. 7-94. Guard Dog; Registration; Annual Fee; Other Requirements.

(a) All persons using dogs as guard dogs shall register the dogs with the MAC. Said registrations shall be valid for one year and must be renewed annually. The MAC shall issue a tag which shall be affixed on the guard dog in such a manner so as to be readily identifiable. Such registration shall be filed with the MAC and shall include the following:

- (1) A legal description or business address of the premises which the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;
- (2) A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration;
- (3) A description of the guard dog for purposes of identification;
- (4) Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities;
- (5) Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting said premises and persons from unauthorized intrusion. Said acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and
- (6) Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to insure the safety of the public and the welfare of the animal.

(b) The fee for registering a guard dog shall be seventy-five dollars (\$75.00) per year, to be renewed annually.

(c) All registered guard dogs shall be implanted with an identifying microchip as directed by the MAC.

(d) All registered guard dogs shall wear a specific dog tag as directed by the MAC.

(e) The owner of any property on which a guard dog is located shall post signs in conspicuous places at all entrances to such property with reflective letters a minimum of two inches and a maximum of ten inches in height stating "Beware of Guard Dog on the Property". Such sign shall also have a telephone number for law enforcement officers or firefighting personnel to call in an emergency situation or other situation in which the dog owner's or handler's presence is required.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-95. Inspections.

The director of the MAC or his authorized representative shall annually inspect all premises which are the subject of the licenses and registrations required herein prior to the issuance of said licenses and/or registrations. Said inspections shall include, but not be limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to insure the humane treatment of the guard dogs. If the premises are deemed inadequate, the MAC shall direct the applicant to make such changes as are necessary before the license or registration is issued or renewed. The director of the MAC may make such routine periodic inspections of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing the provisions of this chapter.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-96. Limitations.

The provisions of this article shall not apply to any facility possessing or maintaining guard dogs which is owned, operated or maintained by any city, county, state or the federal government; provided, private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt.

(Ord. No. 11299, §6, 07-30-02)

Secs. 7-97 - 7-99 Reserved.

(Ord. No. 11299, §6, 07-30-02)

ARTICLE XI. MISCELLANEOUS.

Sec. 7-100. Penalty for violations.

Any person violating the provisions of this chapter shall be subject to a civil penalty or fine of not less than twenty (\$20.00) nor more than fifty dollars (\$50.00) for each violation.

Sec. 7-101. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-102. Other Laws Not Affected.

Nothing in this chapter shall affect the authority of any law enforcement officer to respond appropriately to any situation in which there is an imminent threat by an animal to the safety of any person. This chapter shall not prohibit the seizure or impoundment of dogs as evidence as provided for under any other provision of law, nor shall any other laws, whether local or state, be affected by this chapter.
(Ord. No. 11299, §6, 07-30-02)

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage, as provided by law.

PASSED on Second and Final Reading

January 26, 2010. W. Paul Benson
CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 1-27, 2010

[Signature]
MAYOR

PPB/mms