

First Reading: April 9, 2019
Second Reading: April 16, 2019

ORDINANCE NO. 13452

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 4, ARTICLE II, RULES, REGULATIONS,
CRITERIA, STANDARDS, SECTION 4-41, RULES ADOPTED
RELATING TO NOXIOUS ODORS AND NUISANCES.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 4, Article II, Rules, Regulations, Criteria, Standards, Section 4-41, Rules Adopted, be amended by revising Rules 12.1, 12.2, and 12.3 relating to Noxious Odors and Nuisances as follows:

Section 4-41 – Rules Adopted.

Rule 12.1. Prohibited. No person or permitted business shall cause, keep or permit any material, substance or condition which is, or is likely to become, a public nuisance, by the emission of noxious odors, fumes, dusts, vapors, or gases that are offensive.

Rule 12.2. Definition. Noxious Odor is the sensation of smell perceived as a result of olfactory stimulation. An odor is deemed offensive, and therefore a nuisance, when one-third (1/3) or more of a sample of persons exposed to it believe it to be objectionable in usual places of occupancy. The sample size is to be at least twenty-five (25) persons, or when fewer than twenty-five (25) are exposed, at least eight (8) persons believe it to be objectionable beyond the property's boundaries of the subject property. No person or permitted business shall cause, suffer, allow or permit emission such as to cause an "offensive" odor on or adjacent to residential, recreational, institutional, retail sales, hotel or educational premises.

Rule 12.3. Odor Impacts. Odors from animals or fowl, animal or fowl manure or other animal or fowl-related substances shall constitute a nuisance as set forth within Rule 12.1 if the odor is deemed offensive at the property boundaries and any property owner or permitted business fails to comply with the applicable regulations and performance standards of the Food Safety and Inspection Service, U.S. Department of Agriculture at 9 CFR §416, 21 CFR §110, or other applicable federal standards after notice to a permitted business by the Air Pollution Control Board.

Rule 12.4. Animal Care and Sanitation. Any animals or fowl within the city shall be kept in a clean, sanitary and healthful condition. Manure, animal waste or fecal matter, feathers, fur, hair or other animal or fowl debris shall not be allowed to accumulate on any public or private property or contaminate the city's storm water or sewer drainage systems and must comply with all performance standards of the Food Safety and Inspection Service, U.S. Department of Agriculture at 9 CFR §416, 21 CFR §110, or other applicable federal standards. Any such accumulation or contamination that is not in compliance with any valid issued permit is hereby declared to be a public nuisance. For the slaughter of poultry, all blood, feathers and offal shall be deposited in appropriate containers with a suitable top, and such containers shall be kept closed at all times, except when being filled or discharged as required by applicable federal standards. Nothing in this ordinance creates any private right of action or basis for a private civil action. Furthermore, nothing in this ordinance defines a nuisance for any private civil action.

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

Passed on second and final reading: April 16, 2019



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

PAN/RDR/mem/Alternate Version #5