

SAFETY /LEGAL & LEGISLATIVE COMMITTEE MEETING
August 29, 2000
5:00 P.M.

A joint meeting of the Safety and Legal & Legislative Committees was called to order by Councilman Eaves, Chairman of the Safety Committee. Councilpersons Rutherford, Hurley, Lively, Pierce, Taylor, Franklin, and Hakeem were present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crowover, Assistant Clerk to the Council, were also present.

Others present included Adm. Marcellis, Chief Coppinger, Shelley Parker, Paul Miller, Adm. Boney, and Adm. Mitchell.

AMENDMENTS TO ANIMAL & FOWL ORDINANCE DISCUSSION

Chairman Eaves called on Mr. Paul Miller, Director of Animal Control. Mr. Miller stated that they had met with Edna Taylor and other concerned citizens about amending the draft of the City of Chattanooga regarding animals and fowl. As a result some changes had been made, and copies of the new draft were passed out and is made a part of the minute material. Mr. Miller stated that this current draft had not been seen by very many as of yet since it was just recently finished.

The **first issue** was the deletion of **Item (8) in Section 7-1**, *“To make such canvases of the City, including the homes and businesses in the City, as it deems necessary for the purpose of ascertaining that all dogs are duly and properly licensed, that all dogs and cats of proper age are vaccinated against rabies, and that all dogs are properly tagged”*.

Councilman Taylor asked about **Item (3)**, *“To provide animal safety and educational programs”*. He questioned if we were going to provide educational programs, what was the purpose of the Humane Society? Mr. Miller explained that our programs would be more from an animal service viewpoint, whereas theirs would be from a humane viewpoint. He stated that we had enough schools to support both agencies having educational programs, and we would deal with it from a street perspective.

The **second issue** dealt with Special Police Power. Mr. Miller stated that they would not be the only agency within the City with powers to issue citations for violations. (**Section 7-8 and 7-9**). He stated that this is something they felt they needed and recommended this to stay in.

Councilwoman Rutherford asked how extensive that power was and asked if an officer knocked on her door, could that officer come into her home? Mr. Miller responded that “no”, he could not.

Councilman Taylor asked the definition of Special Police officers as mentioned in **Section 7-8**. Attorney Parker explained that these Officers would enforce the provisions of this section; that the Council can submit what powers they want them to have.

Councilwoman Rutherford asked if they could come on private property and pick up an animal. Mr. Miller responded that under certain circumstances they could when it is for safe keeping of the animal or if it could present a public hazard and there are no owners present. (**Section 7-3**). The animal would be in public safe keeping until they could talk to the owner. Attorney Nelson stated that he thought this was in the old Ordinance. Mr. Miller assured that certain criteria would have to be met before this can happen.

The third issue was livestock in the city limits. This is addressed in **Section 7-74—Keeping or possessing swine or goats**, which is on Page 17. Mr. Miller stated that the old provision did not address mules and cattle; that they felt that five (5) contiguous acres would be sufficient.

Councilman Pierce mentioned a call he had received from a man who had a horse on 4.5 acres and we are now saying it has to be five (5) acres. Mr. Miller indicated that this might could be “grandfathered” in; that you could raise horses on less than five acres.

Councilwoman Rutherford asked if existing livestock have babies, are they “grandfathered” in, too. At this point Councilman Lively urged to use common sense. Councilwoman Rutherford maintained that a number of horses occasionally have babies.

Mr. Miller explained that this does not address the number per acre; that you could have a lot of horses on five acres; that they just added that you needed to have five (5) acres to have any animal.

Attorney Nelson stated that this possibly could not be subject to the “grandfather clause”; that this was a health issue and keeping animals away from a neighbor’s window.

Councilwoman Rutherford asked if there was any animal not allowed in the city. Mr. Miller responded pigs would not be allowed unless they were Miniature African Pigs or Pot-Bellied Pigs kept as house pets.

Attorney Nelson stated that there should be a minimum; that a person with only 4.45 acres now and one horse would not be considered a legal non-conforming use. Mr. Miller added that horses were not under the current law but were being considered here.

Chairman Eaves asked about a Wild Bird Sanctuary. Mr. Miller stated that this was a current law.

Councilman Franklin confirmed that horses were being addressed in this new draft. Mr. Miller read that on five contiguous acres a person could have goats, equine, mules, bovine, ratites, or sheep; that this draft does not allow pigs, even with five acres.

Councilman Taylor asked if horses could be “grandfathered” in. Attorney Nelson stated not unless it was specified. Mr. Miller noted that this could be an issue with the carriage horses because they do not have five acres.

Councilwoman Rutherford asked if there was a standard that says you need two acres to pasture a horse; that maybe we could say two acres instead of five acres for horses. Councilman Franklin asked if “pasture” was the operative word here. Mr. Miller stated that it could be. Councilwoman Rutherford asked if you did not need so much room to exercise a horse.

Councilman Hakeem expressed that he thought we should leave the Ordinance as it is and study it some more.

At this point Chairman Eaves allowed **Jim Faulkner** to speak. Mr. Faulkner asked that speaking philosophically when regulations are passed, do they do any good? Do regulations help or hurt? Do they run people out of town or keep them here? He mentioned that in speaking of horses, we would eliminate horses pulling the carts; that some people keep horses in barns, which would be hard to regulate with this Ordinance. Mr. Faulkner stated that he could not see how these officers were any different from Police Officers in terms of power; that we would be creating a whole new class of Police Officers that would not be entitled to any benefits afforded regular police officers of the City; that they can go out and arrest and pick up an animal, and the thing that was wrong with it was that you would be taking the animal away from its owner. He stated that an owner would lose all rights and the City would send them a bill; that you could call the Mayor. He stated that these were a whole lot of regulations that we don’t need and urged to let the laws we have stand.

Chairman Eaves stated that a lot of people like animals but when they run loose and create a problem for other people who don’t love animals, then something has to be done; that only when it gets to this point will we become involved; that we are not setting up a Police State here.

Councilwoman Rutherford asked under the current law what rights the animal control officers have now. Mr. Miller responded that they could issue citations. She asked what powers do they not already have. Attorney Parker explained that the Humane Society had been enforcing this law for years—that we were not enlarging the powers. Mr. Miller added that in fact, we have reduced the powers.

Chairman Eaves stated that a lot of people like horses but some people object to horse manure and flies.

Councilwoman Hurley added that we do have other people in the City who can issue citations; that it is not unusual as a category. Attorney Parker noted that this applies to security guards at Erlanger, UTC, and the Airport.

Councilwoman Rutherford stated that this would be giving people a special permission to come on private property; that they could come to your front door; that being able to come to your home and walk around your house makes it more personal.

A lady in the audience asked Councilwoman Rutherford if she could speak. Councilwoman Rutherford stated that she was not in the position to give permission. Chairman Eaves, at this point, did not allow anyone else to speak.

Mr. Miller stated that he had asked that this be put off a week since they had just put this draft out.

The meeting adjourned at 5:15 P.M.