

ORDINANCE NO. 12653

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:

**ARTICLE I. IN GENERAL**

**Sec. 7-1. Animal Care Trust, d/b/a McKamey Animal Care and Adoption Center, Inc.;  
duties; powers.**

(a) Animal Care Trust, d/b/a McKamey Animal Care and Adoption Center, Inc.  
("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 laws as stated in the Tennessee Code and the City Code;
- (2) Licensing of animals;
- (3) Providing animal safety and educational programs;
- (4) Attempting to resolve animal-related problems by education or advice;
- (5) Providing emergency and rescue services for animals;
- (6) Cooperating with the Health Director and assisting in the enforcement of City and state laws with regard to companion animals and particularly with regard to the inoculation of dogs and cats against rabies and the confinement or leashing of vicious animals;
- (7) Investigating cruelty to or neglect or abuse of companion animals; and
- (8) Maintaining an animal shelter in accordance with the provisions of this

chapter that includes, but is not limited to, sheltering of animals impounded under this chapter; licensing of animals; quarantine of rabies-suspect animals; reduction of stray and unwanted animals through spay and neuter programs; community education regarding pet overpopulation; methods of ownership identification; and disposition of impounded animals by adoption, redemption, or humane euthanasia.

(c) Any Animal Services Officer or law enforcement officer of the City shall have the power and duty to protect animals taken into custody, whether in transit or at the McKamey Animal Center. Any Animal Services Officer or law enforcement officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency or to be physically unable to remove itself from a situation that restricts its movement or endangers the animal.

**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*: 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*: 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 care" includes adequate feed, adequate water, adequate exercise, adequate shelter, adequate space and adequate veterinary care, as those terms are defined in this article.

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

*Adequate feed*: The provision of and access to food that is (i) of sufficient quantity and nutritive value to maintain each animal in good health; (ii) accessible to each animal without duress or competition; (iii) prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; (iv) provided in a clean and sanitary manner; (v) placed so as to minimize contamination by excrement and pests; and (vi) 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*: The provision of and access to shelter that (i) is suitable for the species, age, condition, size, and type of each animal; (ii) provides adequate space for each animal; (iii) 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; (iv) is properly lighted; (v) is properly cleaned; (vi) enables each animal to be clean and dry, except when detrimental to the species; and (vii) for dogs and cats, provides 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. A shelter whose wire, grid, or slat floors sag under the animal's weight, permit the animal's feet to pass through the openings, or otherwise do not protect the animal's feet or toes from injury is not adequate shelter.

With respect to outdoor facilities for dogs or cats, "*adequate shelter*" means the provision of one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats must (i) contain a roof, four sides, and a floor; (ii) provide the dogs and cats with adequate protection and shelter from the cold and heat, provided that no animal may be maintained in any outdoor location where the ambient temperature is under 35 degrees Fahrenheit or higher than 100 degrees Fahrenheit or any indoor location where the ambient temperature is under 45 degrees Fahrenheit or exceeds 85 degrees Fahrenheit; (iii) be provided with a wind break and rain break at the entrance; and (iv) contain clean, dry bedding material, with additional clean, dry bedding provided in any unheated shelter when the outside temperature is 35 degrees Fahrenheit or lower.

Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cans, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities including houses, dens, etc. that cannot be readily cleaned and sanitized must be replaced when worn or soiled.

*Adequate space*: Sufficient space to allow each animal (i) to easily stand, sit, lie, turn about and make all other normal body movement in a comfortable, normal position for the animal and (ii) to interact safely with other animals in the enclosure. Outside runs must be at least 10 feet long and 36 inches wide for dogs weighing up to 45 pounds, and at least 10 feet long and 48 inches wide for dogs weighing 45 pounds or more. When an animal is tethered, "*adequate space*" means a tether that permits the above actions and is (i) appropriate to the age and size of the animal; (ii) attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to 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 (iii) 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 a reasonable period.

*Adequate veterinary care:* Provision of medical care to alleviate suffering, prevent disease transmission and maintain health as well as provision of 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:* The 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 eight (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. Such water shall be provided in clean, durable receptacles that are accessible to each animal and placed so as to minimize contamination of the water by excrement or pests. Alternatively, provision of an alternate source of hydration consistent with generally accepted husbandry practices may be provided.

*Adoption:* The transfer of ownership of a dog or cat from a releasing agency to an individual.

*Altered:* A surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

*Ambient temperature:* The temperature surrounding the animal.

*Animal:* A living organism characterized by voluntary movement except human beings and plants; see also the definitions of "animal" in T.C.A. §§ 38-1-401, 39-14-201, and 63-12-03.

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

*Animal Services Officer:* A person who is legally sworn and authorized by the City to carry out the duties imposed by this chapter and state law.

*Animal shelter:* A humane shelter for animals.

*At large:* An animal that is not (i) contained behind an adequate fence; (ii) confined within an adequate enclosure; (iii) under the control of a person physically capable of restraining the animal; or (iv) 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:* Acts 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, its owner or another person or against aggression by any person or animal.

*Collar:* A well-fitted device that (i) encircles an animal's neck in such a way as to avert trauma or injury to the animal; (ii) allows two fingers to be inserted between the neck and the collar; (iii) is appropriate to the age and size of the animal; and (iv) is constructed of nylon, leather or similar material.

*Community Cat:* Any cat that (i) is altered; (ii) has been lost or abandoned by its owner; and (iii) has community caregivers providing adequate care.

*Companion animal:* Any domestic or feral dog, domestic or feral cat, guinea pig, small domesticated mammal, rabbit not raised for human food or fiber, miniature pig, potbellied pig, aquatic animal, amphibian, reptile or bird. Livestock, game species, exotic animals as defined in Article IX, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

*Cruelty:* Any act, omission, or neglect whereby unjustifiable physical pain, suffering, or death of an animal is caused or permitted.

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

*Dangerous Dog:* Any dog that has been so designated pursuant to Article V of this chapter.

*Director:* The Executive Director of the McKamey Animal Center.

*Dog:* 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.

*Domestic animal:* Any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.

*Euthanasia:* 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.

*Exotic animal:* All animals classified as Class I animals under T.C.A. § 70-4-403, as amended, and any relevant state regulations propagated thereunder, as well as any wolf-hybrid and the following species of non-venomous snakes when such snakes reach six (6) feet in length: (i) reticulated python (*Python reticulatus*); (ii) Burmese python (*Python molurus bivittatus*); (iii)

African rock python (*Python sebae*); (iv) common boa (*Boa constrictor*); and (v) green anaconda (*Eunectes murinus*).

*Feral cat*: Any cat that is a descendant of a domesticated cat that has returned to the wild.

*Foster home*: A private residential dwelling and its surrounding grounds where care and/or rehabilitation are provided to companion animals through an affiliation with the McKamey Animal Center or a releasing agency.

*Fowl*: Any of various birds of the order *galliformes*, including chickens, roosters, ducks, geese, turkeys, and pheasants, or any bird that is used for food or hunted as game.

*Guard dog*: Any member of the dog family (*canidae*) that 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*: Any person, firm or corporation that owns, keeps or employs a guard dog to protect commercial property from unauthorized intrusion. "*Guard dog owner*" includes the legal owner of a guard dog as well as any person, firm or corporation that, through arrangement or contract, has secured the use of a guard dog to protect commercial property from unauthorized intrusion.

*Health Director*: The Hamilton County Health Director, as established in T.C.A. § 68-2-603.

*Impound*: The taking into custody of an animal by the McKamey Animal Center.

*Kenel*: 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*: A person licensed by a state agency or board to practice veterinary medicine.

*Livestock*: All equines as well as animals which are customarily raised primarily for use as food or fiber for human utilization or consumption, including but not limited to bovine, sheep, goats, swine (except miniature or potbellied pigs), and fowl. "*Livestock*" also includes animals of the genus *camilidae*, ratites, and any other individual animal specifically raised for food or fiber, excluding companion animals.

*McKamey Animal Center*: The Animal Care Trust, d/b/a McKamey Animal Care and Adoption Center, Inc., the organization designated by the City to provide animal care services for the City.

*Menacing fashion:* Any action by an animal that would cause an individual to reasonably believe that the animal is likely to cause physical injury.

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

*Microchipping:* The implanting of a microchip.

*Neglect:* Occurs when the owner or keeper of an animal does any of the following:

- (a) Fails to provide an animal with adequate care as defined in this chapter;
- (b) Fails to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
- (c) Keeps any animal under conditions which increase the probability of the transmission of disease;
- (d) Allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory, to suffer unnecessary pain; or
- (e) Meets the definition of an animal hoarder as defined in this chapter.

*Owner:* Any person, group of persons, corporation, organization or association (excluding the McKamey Animal Center, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:

- (a) Has a property right in an animal;
- (b) Keeps or harbors an animal;
- (c) 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
- (d) Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or with permission of the true owner of the animal.

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

*Pet dog:* A dog other than a service animal as defined in this chapter.

*Pet solid waste:* Excrement from the bowels of a pet.

*Potentially Dangerous Dog:* Any dog that has been so designated pursuant to Article V of this chapter.

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

*Properly cleaned:* An animal's primary enclosure is (i) cleared of carcasses, debris, food waste and excrement with sufficient frequency to minimize the animal's contact with those contaminants; (ii) sanitized with sufficient frequency to minimize odors and the hazard of disease; and (iii) cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water or exposed to hazardous chemicals or disinfectants.

*Proper disposal:* Placed in a designated waste receptacle, refuse container or other suitable container that is regularly emptied by the City or some other refuse collector, or placed into a system designed to convey domestic sewage for proper treatment and disposal.

*Proper enclosure:* 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 restrained:* An animal that is (i) kept within a proper enclosure; (ii) controlled by a competent person by means of a chain, leash, or other like device not to exceed six (6) feet in length; or (iii) secured within or upon a vehicle being driven or parked. "*Properly restrained*" within 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:* To goad, inflame, instigate or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.

*Public nuisance:* Any animal or group of animals that, by way of example and not of limitation, habitually:

- (a) Damages, soils or defiles community or neighborhood private property or public property;
- (b) Turns over garbage containers or damages flower or vegetable gardens;



- (c) Causes unsanitary or offensive conditions;
- (d) Impedes the safety of pedestrians, bicyclists, or motorists;
- (e) Is allowed to remain an unaltered free-roaming cat; or
- (f) Meets the requirements of a “barking dog” as specified in Article IV of this chapter.

*Reasonable period:* A period of time not to exceed twelve (12) hours in a twenty-four (24) hour period.

*Releasing agency:* An animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity that releases companion animals for adoption.

*Relinquish:* Giving up all rights to an animal, thereby making it the property of the McKamey Animal Center.

*Sanitary conditions:* 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.

*Seizure:* See “Impound.”

*Service animal:* A service animal as defined by the United States Department of Justice in 28 C.F.R. § 36.104.

*Severe injury:* 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:* Any animal (i) that is at large; (ii) that appears to be lost, unwanted or abandoned; and (iii) whose owner is unknown or not readily available. Feral Cats and Community Cats shall not be considered Stray animals for purposes of this chapter.

*State of good health:* 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.

*Tether:* The restraint and confinement of a dog by use of a restraint device.

*Under control:* An animal that is (i) securely confined in a fenced enclosure on the property of the owner or keeper of the animal such that the enclosure prevents the animal from leaving the

property; (ii) located on the property of the owner or keeper of the animal and secured by means of a leash or tether which prevents the animal from leaving the property; or (iii) secured by means of a leash held by a person of suitable age and discretion.

**Sec. 7-3. Animal Services Officer.**

Upon written request by the Director of the McKamey Animal Center and upon background investigation by the Chattanooga Police Department, the City Council may, by resolution, designate employees of the McKamey Animal Center as special police officers of the City to enforce the provisions of this chapter. After being sworn by a City Court judge, the holders of such commissions shall have, possess and exercise every power granted by such commissions but such special police officers 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. 7-4. Enforcement of chapter.**

Commissioned employees of the McKamey Animal Center and law enforcement officers shall enforce the provisions of this chapter and shall have the power to issue citations for violations thereof.

**Sec. 7-5. Interference with enforcement of chapter.**

It shall be unlawful for any person to interfere with, prevent or hinder anyone in the performance of any duty required by this chapter, including but not limited to removing or attempting to remove an animal from an Animal Services Officer's custody, tampering with or removing an animal from an animal trap set by an Animal Services Officer, tampering with or destroying signs and/or other City property, interfering with the lawful execution of the duties of an Animal Services Officer, or interfering with the lawful impoundment of an animal.

**Sec. 7-6. Care of animals while in custody.**

All animal care facilities, including the McKamey Animal Center, shall take adequate care at all times of all animals held in their custody. Such facilities shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping in separate kennels or cages all intact males, intact females and vicious dogs.

**Sec. 7-7. Setting humane animal traps; authority to receive trapped animals.**

The McKamey Animal Center is authorized to place, upon request, live-capture animal traps on public property or on private property with the owner's permission for the purpose of trapping and removing 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 companion animals that are trapped by other agencies or persons.

**Sec. 7-8. 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 Services Officer or law enforcement 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 the 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 the reasons therefore; and

(c) 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 a warrant to search the property.

**Sec. 7-9. Authority to go upon private property.**

An Animal Services Officer may pursue any animal over open property or open fields for the purpose of enforcing the provisions of this chapter, unless requested to leave by any owner of the property. An Animal Services Officer, law enforcement 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 for the purpose of enforcing the provisions of this chapter, provided it is necessary or expedient for such purpose.

**Sec. 7-10. 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.

**Secs. 7-11. – 7-16. Reserved.**

**ARTICLE II. LICENSING, INOCULATION AND PERMITTING  
OF DOGS AND CATS**

**Sec. 7-17. City license required; exceptions.**

(a) The owner of every dog or cat in the City over the age of three (3) months shall obtain a City license for such dog or cat from the McKamey Animal Center or participating licensed veterinarians. 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 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 or who have failed to renew the license of their animals within thirty (30) days of January 1 shall be deemed delinquent and shall 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 McKamey Animal Center shall issue a metal license tag for each dog or cat licensed 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 dogs designated as Potentially Dangerous Dogs or Dangerous Dogs under this chapter shall be of a distinctive color different from regular license tags and different from each other.

(c) 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 or (ii) persons bringing dogs or cats into the City exclusively for show or exhibition purposes.

**Sec. 7-18. License fees.**

(a) Subject to the provisions of subsection (c), the annual license fee for dogs and 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 altered. The license will be valid for one year from January 1 to December 31 as long as a legal rabies inoculation is kept current. Licenses for up to three (3) animals that are spayed or neutered and owned by senior citizens over the age of sixty-five (65) shall be free as long as the animals are current on rabies inoculations. 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.

(b) Annual licenses will be provided to participating licensed veterinarians by the McKamey Animal Center for resale to clients. Licensed veterinarians may add an additional two dollar (\$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 fifth day of each month stating the disposition of the licenses sold to clients. The veterinarian will be required to submit a yearly report to the McKamey Animal Center by January 31, providing an accounting of all unsold licenses from the previous year.

(c) The annual license fee for a Potentially Dangerous Dog shall be one hundred dollars (\$100.00), and all dogs so designated shall be spayed or neutered. The annual license fee for a Dangerous Dog shall be two hundred dollars (\$200.00), and all dogs so designated shall be spayed or neutered. The licenses for Potentially Dangerous Dogs and Dangerous Dogs must be renewed by January 1 of each calendar year. The license fees set forth in this subsection apply to all Potentially Dangerous Dogs and Dangerous Dogs regardless of ownership.

**Sec. 7-19. Licenses and fees for multiple pets.**

(a) Owners must provide adequate care for their animals. The City has an interest in promoting responsible pet ownership and holding individuals accountable if they choose to own or keep an excessive number of animals. Therefore, in the interest of protecting the health, welfare and safety of animals and the community, the City shall require individuals to obtain licenses to own multiple pets.

(b) All persons owning, keeping or maintaining more than seven (7) dogs, seven (7) cats, or a combined total of seven (7) dogs and cats shall be required to obtain a multiple-pet license and pay an additional fee for each dog or cat in excess of seven (7), at the following rates:

- (1) Fifty dollars (\$50.00) for each dog or cat in excess of seven (7) and up to and including ten (10) dogs or cats;
- (2) One hundred dollars (\$100.00) for each dog or cat in excess of ten (10) and up to and including twenty (20) dogs or cats; and
- (3) Two hundred dollars (\$200.00) for each dog or cat in excess of twenty (20) dogs or cats.

(c) A multiple-pet license shall be valid from January 1 to December 31 of the year in which it is purchased. The license must be renewed and the fees paid annually.

(d) Any fees for multiple pets are in addition to any other license, permit or other fees imposed by any other provisions in this chapter.

(e) The provisions of this section apply if more than seven (7) dogs and/or cats reside at one location, address or property, regardless of who owns the dogs and/or cats.

(f) All animals covered under a multiple-pet license must be altered. If any of the animals is not altered, then the owner of the animals shall be subject to all zoning requirements and restrictions on breeders established in the Chattanooga City Code.

(g) Any person who is required to have a multiple-pet license under this section but who fails to obtain said license or fails to renew said license within thirty (30) days of the expiration of a prior license shall be deemed delinquent and may be subject to additional late fees of twenty dollars

(\$20.00) per license in addition to the regular license fees and/or any additional fines imposed by the City Court.

**Sec. 7-20. 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, provided that dogs and cats need not be inoculated before reaching the age of three (3) months.

(b) Regardless of the type of licensed vaccine used or the age of the animal at the time of the first (primary) inoculation, the animal shall be reinoculated one year later. Following the first two inoculations, booster inoculations will be due at either one-year or three-year intervals in accordance with the approved duration of immunity of the specific vaccine used and the species inoculated. The required due date for reinoculation shall be placed on the certificate by the veterinarian administering the vaccine. A dog or cat shall be considered currently inoculated only if a valid certificate signed by a licensed veterinarian exists, and the reinoculation date on the certificate has not been reached.

(c) No person shall bring a dog or cat into the City from another state for sale, exchange, offer for adoption, or giving away, unless such dog or cat, being at least three (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 valid, current certificate of the inoculation.

**Sec. 7-21. Inoculation records required; tags.**

Any veterinarian who inoculates or re-inoculates a dog or cat against rabies shall keep a record of such inoculation or re-inoculation 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 re-inoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat.

**Sec. 7-22. Detention when rabies suspected.**

Every companion animal determined by the Health Director to pose a risk of rabies and every companion animal that has bitten a human, has been exposed to rabies, or is suspected of having rabies shall, at the direction of the Health Director, be quarantined for a minimum period of ten (10) days at the owner's home or at the McKamey Animal Center. During such confinement, the dog or cat shall be under the observation and supervision of the Health Director or his designee. After the termination of the observation period, said animal shall be released or, if the animal is determined by a veterinarian or the Health Director or his designee to have rabies, it shall be humanely destroyed according to instructions from the Health Director. The Health Director 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 Health 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, relinquished to the McKamey Animal Center, or ordered by the Health Director to be destroyed.

**Sec. 7-23. Permit authorizing pet dogs in outdoor dining areas of restaurants.**

(a) *Terms and conditions for permit.* The owner or proprietor of any restaurant that maintains an outdoor dining area may apply to the McKamey Animal Center for a permit authorizing the restaurant to allow pet dogs to be present in the outdoor dining area. The permit shall be subject to the following terms and conditions:

- (1) No pet dog shall be present in the interior of any restaurant or in any area where food is prepared.
- (2) The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog otherwise is behaving in a manner which compromises or threatens to compromise the health or safety of any person present at the restaurant.
- (3) All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling a pet dog. Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
- (4) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- (5) Patrons shall keep their pet dogs on a non-retractable leash no longer than six (6) feet and appropriate for the size, age, and weight of the pet dog, and keep their pet dogs under reasonable control at all times.
- (6) Pet dogs shall not be allowed on chairs, tables or other furnishings.
- (7) Accidents involving pet dog waste shall be cleaned immediately by the person who brought the pet dog upon the premises and the area sanitized with an approved product. A kit with the appropriate materials to accomplish this purpose shall be kept near the designated outdoor area.
- (8) A sign or signs reminding employees and patrons of the applicable rules shall be posted in a visible location upon the premises in the outdoor dining area.

The restaurant shall erect a sign at an appropriate location within the restaurant stating, "Only service animals permitted beyond this point."

- (9) Pet dogs shall not be permitted to travel through indoor or non-designated portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food establishment shall not require entrance into or passage through any indoor area of the food establishment.

(b) *Permit fee.* A restaurant owner or proprietor wishing to allow pet dogs in outdoor dining areas shall complete an application at the McKamey Animal Center for a permit authorizing pet dogs in outdoor dining areas and shall pay a permit fee of no greater than fifty dollars (\$50.00). The application shall request such information as deemed appropriate by the McKamey Animal Center Director, including but not limited to the name and contact information for at least one (1) person responsible for management of the business during all hours when the business is open to the public. The application shall contain a certification that the applicant is aware of all laws, ordinances, rules and regulations pertaining to permitting dogs in outdoor dining areas, together with an affirmative statement to be signed by the applicant verifying that the applicant shall abide by all such laws, ordinances, rules, and regulations at all times.

(c) *Cooperation with government bodies.* Any applicant/permittee shall fully cooperate with any governmental entity having responsibility for enforcement of the Tennessee Food, Drug, and Cosmetic Act, compiled in Title 53, Chapter 1 of the Tennessee Code, and any other applicable statutes and ordinances.

(d) *Enforcement.* Obligations imposed by this ordinance on the owner of or person responsible for a pet dog shall be enforced against the owner of or the person responsible for the dog. Obligations imposed by this ordinance on the restaurant or the employees thereof shall be enforced against the owner and/or manager of the restaurant. Obligations that may reasonably be construed as being imposed against either the owner of or person responsible for a pet dog, or the restaurant or the employees thereof, may be enforced against the owner of or person responsible for the pet dog, the owner and/or manager of the restaurant, or all of the foregoing.

(e) *Penalty for violations.* Any violation of this section may result in a citation to the permit holder and, upon conviction by the City Court, a fine not to exceed fifty dollars (\$50.00) for each offense.

State law reference – T. C. A. § 6-54-135.

**Sec. 7-24. Postage.**

For any licenses, registrations or permits sent by U.S. mail, a charge of one dollar (\$1.00) may be imposed to cover the cost of postage and handling.

**Secs. 7-25. – 7-31. Reserved.**



### ARTICLE III. OFFENSES

**Sec. 7-32. Failure to provide adequate care; neglect.**

(a) It shall be unlawful for any person who keeps or houses any animal in any residence, business, shelter or other place in the City to fail to supply adequate care to such animal.

(b) It shall be unlawful for any person to neglect an animal as neglect is defined in this chapter.

State law reference – T.C.A. § 39-14-207(a).

**Sec. 7-33. Cruelty to animals.**

It shall be unlawful for any person to engage in cruelty to any animal as cruelty is defined in this chapter.

**Sec. 7-34. Authority to prevent acts of cruelty; unlawful interference.**

Any Animal Services Officer or law enforcement officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence. It shall be unlawful for any person to interfere with or obstruct any such officer in the discharge of such duty.

**Sec. 7-35. Abandonment of animal.**

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, the McKamey Animal Center, or private property. Each animal abandoned in violation of this section shall be considered a separate violation.

**Sec. 7-36. Animals at large.**

(a) It shall be unlawful for any person to allow any animal belonging to him, under his care, 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. This section shall not apply to any Community Cats or Feral Cats in the City. Any animal found running at large in violation of this section 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 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 spaying or neutering. Microchipping, spaying or neutering requirements will be waived upon a showing of (i) proof of microchipping, spaying or neutering from a licensed veterinarian or (ii) a written statement from a licensed veterinarian stating that the microchipping, spaying or neutering procedure would be harmful to the animal.

(c) *Estrous period.* It shall be unlawful for any person 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 when 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 impounded. If the animal is in heat at the time of impound as determined by a licensed veterinarian, such animal shall not be redeemed by any person until such animal is both microchipped and spayed or neutered. 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.

**Sec. 7-37. 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 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 an animal, or cause an animal 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 animal in a manner or location whereby the animal is subject to harassment or numerous stings or bites from outdoor insects or to attacks by other animals;
- (5) fail 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, or attach to a running cable line or trolley system any animal at any time between the hours of 10:00 p.m. and 6:00 a.m.;

- (9) use a running cable line or trolley system that is made of a substance which can be chewed by the animal;
- (10) use a tether from the running cable line or trolley system to the animal's collar that prohibits access to food, water, and shelter as well as access to the maximum available area for adequate exercise;
- (11) tether an animal in any manner other than by using a properly fitted harness or collar. Said harness or collar shall not be the same one used for the display of current rabies and/or license tags; and
- (12) tether an animal in a manner or location that would allow for (i) the tangling of the cable or tether; (ii) the extension of the cable or tether over an object or an edge that could result in injury or strangulation of the animal; or (iii) access by the animal to a 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, provided that the dog is not attached by means of a choke collar or pinch collar or for longer than a reasonable period;
- (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 time; or
- (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. Nothing in this section shall be construed to prohibit a person from restraining a dog while participating in said activity or using accommodations that are reasonably associated with the licensed activity.

**Sec. 7-38. Animals present in prohibited areas.**

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 public 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.

State law reference – T.C.A. §§ 44-8-401 *et seq.*

**Sec. 7-39. Transporting animal 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 transport an animal in such manner that it is subjected to excessive heat.

(b) No person shall transport any animal 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. This subsection shall not apply to any person while engaged in agricultural livestock activities.

(c) This section shall not apply to any person who transports an animal in any open truck or other open vehicle which is sufficiently enclosed by stakes or racks or is equipped with other devices which prevent the animal from falling, hanging, or escaping from the vehicle.

**Sec. 7-40. Unattended animal in motor vehicle.**

(a) It shall be unlawful for any person to leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.

(b) A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of subsection (a) if the person is:

- (1) an animal control officer under the jurisdiction of the City or the State of Tennessee;
- (2) a law enforcement officer;
- (3) a public safety employee of the State of Tennessee or of a local government;  
or
- (4) a professional or volunteer member of a fire and/or rescue service.

(c) Any person removing such an animal shall do so at his own risk, but removal of such an endangered animal shall be considered to be acting within the scope and course of employment of an Animal Services Officer or a City of Chattanooga police officer or fire fighter.

**Sec. 7-41. Animal causing unsanitary conditions.**

(a) It shall be unlawful for any person to allow an animal to cause unsanitary conditions in the City. This serves to require the proper disposal of pet solid waste in the City, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(b) All owners and keepers of animals are required to immediately and properly dispose of pet solid waste deposited by their animal on any property, public or private, not owned or possessed by that person.

(c) Any owner or keeper who requires the use of a service animal shall be exempt from the provisions of this section while such animal is being used for that purpose if the disability makes compliance difficult.

**Sec. 7-42. Animal creating 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. 7-43. Selling, breeding diseased animals.**

(a) It shall be unlawful for a person owning or having possession, charge, custody or control of an animal with a disease or parasite contagious to other animals or human beings to sell or offer for sale within the City such animal to any other person.

(b) It shall be unlawful for a person owning or having possession, charge, custody or control of an animal with a disease or parasite contagious to other animals or human beings to breed or allow the reproduction of that animal in the City. If such animal reproduces, each offspring shall be considered a separate violation.

State law reference – T. C. A. §§ 44-17-701 *et seq.*

**Sec. 7-44. Curbside sales.**

It shall be unlawful for a person to sell, barter, trade or adopt, or to attempt to sell, barter, trade or adopt, any animal at a curbside sale within the City.

**Sec. 7-45. Sale, barter or giving away of baby fowl or baby rabbits.**

It shall be unlawful for any person to (i) sell, offer for sale, barter or give away any fowl under three (3) weeks of age (“baby fowl”) or rabbits under two (2) months of age (“baby rabbits”) as pets, toys, premiums or novelties; (ii) color, dye, stain or otherwise change the natural color of baby fowl or baby rabbits; or (iii) bring or transport baby fowl or baby rabbits into the City, provided that this shall not be construed to prohibit the sale or display of baby fowl or baby rabbits in proper facilities by breeders or stores engaged in the business of selling for the purpose of breeding or raising.

**Sec. 7-46. Unlawful use of an animal.**

Any animal that is used in the commission or furtherance of any criminal activity shall be subject to seizure by an Animal Services Officer or law enforcement officer and processed in accordance with the provisions of this article or any other applicable law.

**Secs. 7-47. – 7-54. Reserved.**

#### **ARTICLE IV. BARKING DOGS**

**Sec. 7-55. Definition.**

(a) As used in this article, “barking dog” means any dog which, by causing frequent or long, continued noise for an extended period of time, 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 whether the dog is physically situated in or upon private property. An “extended period of time” means that in a twenty-four (24) hour period, the dog either:

- (1) Barks incessantly for fifteen (15) minutes or more; or
- (2) Barks intermittently for thirty (30) minutes or more.

(b) 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.

**Sec. 7-56. Barking dogs generally.**

- (a) It shall be unlawful for a barking dog, as defined by this article, to exist in the City.
- (b) For purposes of this article, a violation occurs when:
  - (1) a person 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; or
  - (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 allows a barking dog violation to exist in or upon said property.

(c) For purposes of this section, there may be more than one person responsible for a barking dog violation.

**Sec. 7-57. Citation for barking dog.**

(a) Animal Services Officers or law enforcement 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) For the first violation, the person responsible for a barking dog shall be given a ten (10) day warning period within which to correct the problem before a citation for a barking dog is issued.

(c) Each day a barking dog violation exists shall be a separate violation, with the person responsible for the barking dog violation subject to a separate citation and fine for each such violation. 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.

**Secs. 7-58. – 7-62. Reserved.**

#### **ARTICLE V. POTENTIALLY DANGEROUS AND DANGEROUS DOGS<sup>1</sup>**

**Sec. 7-63. Findings.**

(a) Dangerous dogs have become a serious and widespread threat to the safety and welfare of citizens and companion 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 those attacks have occurred in public places.

(b) Such attacks are often attributable to the failure of owners to confine and properly control dangerous and potentially dangerous dogs.

(c) Issues related to dangerous and potentially dangerous dogs necessitate the citywide regulation and control of such dogs.

**Sec. 7-64. Citation, hearing, designation, and imposition of conditions for Potentially Dangerous Dog or Dangerous Dog; 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 the dog in question should be designated as a Potentially Dangerous Dog or Dangerous Dog. Except by agreement of the dog's owner and counsel for the City, a hearing shall be held not less than five (5) nor more than fifteen (15) days after service of the citation upon the owner or keeper of the dog.

(b) The Court may designate a dog as a "Potentially Dangerous Dog" if the Court finds, by a preponderance of the evidence, that the dog:

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<sup>1</sup> Formerly Article VIII. (Ord. No. 12343, 1-26-10)

- (1) has, without provocation, chased or approached a person in either a menacing fashion or an apparent attitude of attack while the dog was off the property of its owner;
- (2) has attempted to attack or has attacked a person or domestic animal while on or off the property of its owner;
- (3) has, 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;
- (4) has, without provocation, bitten a person or a domestic animal causing an injury while on or off the property of its owner; or
- (5) has engaged in other comparable conduct.

(c) The Court may designate a dog as a "Dangerous Dog" if the Court finds, by a preponderance of the evidence, that the dog:

- (1) has, without provocation, chased or approached a person in either a menacing fashion or an apparent attitude of attack on two (2) or more occasions within the prior 18-month period while the dog was off the property of its owner;
- (2) has attacked or attempted to attack a person or domestic animal on two (2) or more occasions within the prior 18-month period while the dog was on or off the property of its owner;
- (3) has, without provocation, bitten a person or a domestic animal causing a severe injury while on or off the property of its owner;
- (4) has been owned, possessed, kept, used or trained in violation of Tennessee Code Annotated § 39-14-203;
- (5) is currently designated a Potentially Dangerous Dog but has not been kept in compliance with the restrictions that a court of competent jurisdiction has placed on the owner of the dog, and such dog has engaged in the conduct described in subsections (b) and (c) of this section that could result in a Potentially Dangerous Dog or Dangerous Dog designation; or
- (6) has engaged in other comparable conduct.

(d) No dog may be declared potentially dangerous or dangerous if:

- (1) at the time of the injury or damage, the victim of the injury or damage was (i)



committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog; (ii) teasing, tormenting, abusing or assaulting the dog; or (iii) committing or attempting to commit a crime;

- (2) the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack;
- (3) injury or damage was sustained by a domestic animal that, at the time of the injury or damage, was tormenting, abusing or assaulting the dog;
- (4) injury or damage was sustained by a domestic animal 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; or
- (5) injury to a person or domestic animal occurs while the dog is being used by a law enforcement officer to carry out the officer's official duties.

(e) Upon designating a dog as a Potentially Dangerous Dog or a Dangerous Dog, the City Court is authorized to impose on the owner of such dog the restrictions set forth in this article and to impose such additional restrictions on said owner as are appropriate under the circumstances of the case. The Court shall reduce such restrictions to writing and provide a copy to the owner.

(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.

(h) 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 (i) having advised such other person that the dog has been designated as a Potentially Dangerous Dog or Dangerous Dog and (ii) having advised such other person in writing of the restrictions that have been placed upon such dog.

**Sec. 7-65. 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, by first-class mail, postage prepaid, of the decision of the Court and of any requirements and/or restrictions imposed upon that person. If a dog is declared to be a Potentially Dangerous Dog or a Dangerous Dog, the owner or keeper shall comply with all restrictions imposed by this article and by the City

Court.

**Sec. 7-66. Impoundment and disposition of Potentially Dangerous Dog or Dangerous Dog.**

(a) If upon investigation an Animal Services Officer or law enforcement officer determines that probable cause exists to believe that 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 the impoundment or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice stating the time and location that a hearing will be held to determine whether to declare the dog potentially dangerous or dangerous.

(b) An Animal Services Officer or law enforcement officer may impound any Potentially Dangerous Dog or Dangerous Dog if the officer has reasonable cause to believe that any of the requirements or restrictions upon such dog are not being followed and that such failure to follow the requirements or restrictions would likely result in a threat to public safety. The owner or custodian of such Potentially Dangerous Dog or Dangerous Dog shall surrender the dog to an Animal Services Officer or law enforcement officer upon demand, and the officer shall promptly serve a citation upon the owner of such dog for violation of the provisions of this chapter and notify the owner of a hearing date before a City Court judge to contest the charges.

(c) No dog that has been designated by the Court as a Potentially Dangerous Dog or Dangerous Dog may be released by the McKamey Animal Center until the owner has paid to the McKamey Animal Center all fees and costs that are normally charged to an owner prior to redemption of an animal. If the owner fails to pay such fees and costs and to take possession of the dog within ten (10) days of the owner's receipt of notice of the dog's designation as a Potentially Dangerous Dog or Dangerous Dog, the dog shall be deemed to have been abandoned and may be disposed of by the McKamey Animal Center. Euthanasia or surrender to the McKamey Animal Center of such a dog does not free the owner of responsibility for all costs incurred up to and including the date of the euthanasia or surrender.

**Sec. 7-67. Possession unlawful without proper restraint; failure to comply with restrictions.**

(a) It shall be unlawful for a person to have custody of, own, or possess a Potentially Dangerous Dog or a Dangerous Dog that is not properly restrained.

(b) It shall be unlawful for a person to have custody of, 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.

**Sec. 7-68. Requirements and restrictions on Potentially Dangerous Dogs.**

(a) Once a City Court judge designates a dog as a Potentially Dangerous Dog, the judge may impose any or all of the following restrictions upon the owner or custodian of the dog:

- (1) 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;
  - (2) The owner must allow inspection of the dog and its enclosure by the McKamey Animal Center and must produce, upon demand, proof of compliance with all Court-imposed requirements and restrictions;
  - (3) The dog shall wear a collar and/or tag that visually identifies the dog as being potentially dangerous (purchased through the McKamey Animal Center, as set forth in Section 7-18(c));
  - (4) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the McKamey Animal Center;
  - (5) The owner and dog must attend and successfully complete an American Kennel Club Canine Good Citizen course and test within a time specified by the Court;
  - (6) The dog must be spayed or neutered at the owner's expense; and
  - (7) An identification microchip must be implanted in the dog, with the serial number of the microchip supplied to the McKamey Animal Center.
  - (8) Any other requirement or restriction that the Court deems necessary.
- (b) The cost of all requirements and restrictions must be paid by the owner.

**Sec. 7-69. Requirements and restrictions on Dangerous Dogs.**

- (a) Once a City Court judge designates a dog as a Dangerous Dog, the judge may impose any or all of the following restrictions upon the owner or custodian of the dog:
- (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 McKamey Animal Center and must produce, upon demand, proof of compliance with all Court-imposed requirements and restrictions;

- (3) The dog shall wear a collar and/or tag that visually identifies the dog as being dangerous (purchased through the McKamey Animal Center, as set forth in Section 7-18(c));
- (4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the McKamey Animal Center that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior;
- (5) A sign 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. The cost of such signs, available exclusively from the McKamey Animal Center, shall be included in the annual fee for a Dangerous Dog;
- (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 the 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;
- (9) The dog shall be photographed by the McKamey Animal Center for future identification purposes;
- (10) The dog must be spayed or neutered at the owner's expense;
- (11) An identification microchip must be implanted in the dog, with the serial number of the microchip supplied to the McKamey Animal Center;
- (12) The owner of the dog or owner of the premises on which the dog is kept shall be required to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance to the McKamey Animal Center;
- (13) The owner of the dog shall maintain and update annually a record with the McKamey Animal Center that contains:

- (i) contact information for the dog's owner(s) or agent, emergency contact persons, veterinarian, and landlord and/or property owner;
- (ii) information about property/liability insurance;
- (iii) the dog's inoculation records and license numbers;
- (iv) a photo of the animal; and
- (v) any other information deemed necessary by the McKamey Animal Center.

(14) Samples preserved for possible DNA identification must be delivered to the McKamey Animal Center;

(15) The owner shall notify the McKamey Animal Center in writing of the location of the dog's residence, temporary or permanent, and shall notify the McKamey Animal Center in writing in advance 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

(16) Any other requirement or restriction that the Court deems necessary.

(b) The cost of all requirements and restrictions must be paid by the owner.

(c) The designation of Dangerous Dog and the requirements and restrictions imposed on such dog remain in effect for the life of the dog. A Dangerous Dog designation shall not be removed.

**Sec. 7-70. Removal of designation of Potentially Dangerous Dog.**

If there are no additional instances of the behavior described in Section 7-59(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: (i) the owner or keeper of the dog demonstrates to the McKamey Animal Center, and the McKamey Animal Center confirms, that changes in circumstances or measures taken by the owner or keeper, such as training of the dog or confinement, have mitigated the risk to public safety; and (ii) the owner or the McKamey Animal Center petitions the City Court to remove such designation, and the Court agrees to do so.

**Sec. 7-71. Change of ownership, custody or location of dog; death of dog.**

(a) The owner or custodian of a Potentially Dangerous Dog or 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 the McKamey Animal

Center 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) In addition to the requirements in subsection (a) above, the owner or custodian shall notify any new owner or custodian of a Potentially Dangerous Dog or Dangerous Dog in writing regarding the details of the dog's record and the requirements and restrictions imposed by the Court. The transferring owner or custodian shall also provide the McKamey Animal Center with a copy of the notification given to the new owner or custodian and proof that the new owner or custodian received the notification and agreed to accept and abide by the requirements and restrictions placed on the dog.

**Sec. 7-72. Escape, death of Potentially Dangerous Dog or Dangerous Dog.**

(a) If a Potentially Dangerous Dog or Dangerous Dog escapes, the owner or custodian shall immediately notify the McKamey Animal Center and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.

(b) If a Potentially Dangerous Dog or Dangerous Dog dies, the owner or custodian shall notify the McKamey Animal Center no later than twenty-four (24) hours thereafter and, upon request from the McKamey Animal Center, shall produce the animal for verification or evidence of the dog's death that is satisfactory to the McKamey Animal Center.

**Sec. 7-73. Dogs designated outside City as potentially dangerous or dangerous.**

(a) The owner of a dog designated as a Potentially Dangerous Dog, a Dangerous Dog, or any similar designation is subject to the restrictions set forth in this chapter while said dog is located within the city limits of Chattanooga.

(b) The following persons must notify the McKamey Animal Center when relocating a dog to Chattanooga, even on a temporary basis:

- (1) the owner of a Potentially Dangerous Dog 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 on it by any humane society or governmental entity or agency other than the City of Chattanooga based upon the behavior of the dog.

(c) No such designation as a Potentially Dangerous Dog or 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.

**Secs. 7-74. – 7-79. Reserved.**

**ARTICLE VI. IMPOUNDMENT, REDEMPTION  
AND DISPOSITION OF ANIMALS**

**Sec. 7-80. Impoundment, destruction of violating animals authorized.**

(a) The McKamey Animal Center is authorized to seize 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 Officer or law enforcement 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, or a law enforcement 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 7-80.

(c) The animal's owner shall be responsible for all expenses incurred during the animal's impoundment.

**Sec. 7-81. Seizure of at-large animals upon return to property.**

(a) An Animal Services Officer or law enforcement officer may, upon viewing an animal at large, return the animal to its owner's property or impound such animal 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 were to 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 impoundment.

(b) This section does not authorize the entry into any building or enclosure on the property, nor the removal, without a search warrant or the tenant's or property owner's written permission, of any animal from any building or enclosure on the property.

**Sec. 7-82. Notification of impoundment.**

(a) Upon impounding an animal, the McKamey Animal Center or its designee shall give notice of such seizure by one of the following methods:

- (1) by delivering a notice of impoundment to a person believed to be residing at the property where the animal is believed to reside within 24 hours of the time the animal was seized;
- (2) by posting a copy of the notice of impoundment on the front door or entrance of the animal owner's property or in a place on the owner's property that is visible from the public right-of-way or at the property location at which an Animal Services Officer reasonably believes the animal may reside; or
- (3) by letter sent by certified mail via the United States Postal Service to the address of the owner, if known, within two (2) days after the seizure of such animal.

(b) The notice or letter shall inform the owner of the conditions whereby the animal may be redeemed, including, if applicable, the court date for contesting the impoundment. Notice shall not be required for animals that have been abandoned or relinquished by their owner.

**Sec. 7-83. Redemption of impounded animals by owner; fees.**

(a) The owner of any animal confined in the McKamey Animal Center may, before the expiration of the legal holding period, redeem the animal upon payment of the assessed fees and production of proof of ownership, as described herein, unless said owner has been directed to appear in City Court for a violation involving said animal.

(b) If allowed to reclaim an impounded animal, the owner of a dog or cat impounded for the first time 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 the dog or cat has been kept at the McKamey Animal Center at the rate of ten dollars (\$10.00) per day. Each subsequent time said dog or cat is impounded, the impound fee shall be fifty dollars (\$50.00) in addition to the board of ten dollars (\$10.00) per day and the license fee, if applicable. All veterinary costs and 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.

(c) If allowed to reclaim impounded livestock, the owner of said livestock may claim and redeem such animal by paying the McKamey Animal Center an impound fee of fifty dollars (\$50.00) and board for each day at the rate of ten dollars (\$10.00) per day plus the cost of transporting the animal to the shelter. Such costs, as well as all veterinary costs and 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.

(d) To redeem or adopt an animal, a person must be at least eighteen (18) years of age, provide photo identification, and provide a recent utility bill or other proof of legitimate residency.

(e) If the owner of an impounded animal is not allowed to reclaim the animal before a



court hearing, said owner shall be entitled to a hearing before the City Court within fourteen (14) days of the impoundment of the animal to contest the impoundment.

**Sec. 7-84. Disposition of unclaimed dogs or cats.**

(a) Any dog or cat with a current tag, registered microchip, or other identification that has been 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.

(b) Any dog or cat without a current tag, registered microchip, or other identification that has been impounded shall be kept for a period of five (5) days and, if not claimed or redeemed within such period, shall be humanely destroyed or otherwise disposed of as provided by law.

(c) Litters of puppies or kittens estimated to be less than six months of age, as determined by the emergence of adult canine teeth, without an actively nursing mother shall have no required holding period for disposition. For this section, a "litter" shall be considered two or more animals of apparently the same age and breed/mix.

(d) All dogs and cats that are so unsocialized as to pose a threat to the safety and welfare of McKamey Animal Center employees or the public shall be expeditiously and humanely euthanized.

(e) The McKamey Animal Center shall not be required to shelter or care for any feral, wild or exotic animals.

**Sec. 7-85. Requirements for redeeming or adopting animals.**

(a) No person shall adopt a dog or cat from a releasing agency, including the McKamey Animal Center or private organization operating a shelter from which animals are adopted or reclaimed, unless the dog or cat has first been spayed or neutered.

(b) The releasing agency may require the new owner to pay a fee for the spaying or neutering of the animal. The provisions of this section shall not apply to persons selling or giving away animals from a residence, business or retail pet facility.

(c) Except for dogs and cats for which the owner can provide proof of inoculation, all dogs and cats redeemed from the McKamey Animal Center shall be inoculated 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 ten dollars (\$10.00) shall be collected from the person redeeming the animal, which shall be refunded upon presentation of proof of rabies inoculation 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 inoculation at the McKamey Animal Center; such person must obtain the inoculation 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.

State law reference – T. C. A. § 44-17-502.

**Sec. 7-86. 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 that 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 receiving said animal, 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 who possessed and surrendered the animal may apply through normal process and fees to become the adoptive owner of the animal. The expense of sheltering fees, license fee and rabies inoculation 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. 7-87. Immediate placement for adoption or destruction of animal surrendered by owner.**

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

- (a) Affirmatively represents by affidavit that he or she is in fact the legal owner of said animal;
- (b) Agrees to hold the 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
- (c) Transfers ownership of said animal to the McKamey Animal Center.

**Sec. 7-88. Destruction of dangerous, diseased or injured animals.**

(a) It shall be the duty of the Director to order the humane destruction of any animal lawfully in the custody of the McKamey Animal Center if it is deemed more humane to euthanize such animal than to hold it for the required holding period if it is diseased, significantly injured, suffering, neonatal, feral, highly aggressive, or so unsocialized as to cause a danger to McKamey Animal Center employees or the public, and due to such condition is an improbable candidate for adoption. Such determination shall be made by the Director, a licensed veterinarian or two reputable, experienced employees in the animal welfare field by viewing the animal and giving written certification of the animal's condition. The Director may order euthanasia of the animal either by written authorization or by verbal authorization followed by written confirmation.

- (b) If the determination is made under subsection (a) to euthanize the animal, and the

animal's owner can be identified, such as through a registered microchip, tattoo or collar with identification, a reasonable attempt shall be made to notify the owner before the animal is euthanized, provided, however, that if the animal is in critical condition and the owner cannot be reached within a reasonable time, the animal may be euthanized for humane reasons.

(c) If the determination is made under subsection (a) to euthanize the animal, and the animal has no detectable identification, the animal may be euthanized immediately. In no event shall the disposition of the animal be delayed beyond forty-eight (48) hours after it is determined that said animal should, for humane reasons, be destroyed by humane euthanasia.  
State law reference – T. C. A. §§ 44-17-302 *et seq.*

**Secs. 7-89. – 7-95. Reserved.**

## **ARTICLE VII. TRAPPING ANIMALS<sup>2</sup>**

**Sec. 7-96. Definition.**

As used in this article, “trapping” means taking, killing or 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 or other devices, whether or not such acts result in the 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.

State law reference – T. C. A. §§ 70-4-120, 70-4-113.

**Sec. 7-97. Poisoning or trapping animals.**

It shall be unlawful to trap animals within the City 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 to aid, abet or assist in the poisoning or trapping of any animal or the putting out or placing of poison or a trap at any place outside of buildings within 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 or conflict with the trapping of wildlife in accordance with State law.

**Sec. 7-98. Exception.**

This article shall not apply to animal traps set by the McKamey Animal Center pursuant to Section 7-7.

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<sup>2</sup> Formerly Article VI. Ord. No. 12343, 1-26-10)

**Secs. 7-99. – 7-104. Reserved.**

### **ARTICLE VIII. LARGE ANIMALS<sup>3</sup>**

**Sec. 7-105. Record to be kept.**

Whenever any livestock or large animal of any kind is found which is required to be impounded, an Animal Services Officer shall take such animal to the McKamey Animal Center 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 the location where it was found. The records of such large animals shall be open for inspection by the public under the supervision of the McKamey Animal Center.

**Sec. 7-106. Impoundment and disposition of large animals or fowl.**

Any livestock, other large animals or fowl found running at large or otherwise being kept in violation of this chapter may be impounded by an Animal Services Officer or a law enforcement officer and confined at the McKamey Animal Center or other adequate holding facility. Immediately upon impounding such animal, the McKamey Animal Center or its designee shall give notice in the manner provided in Section 7-74. If the owner is not known, a notice describing the impounded animal or fowl will be posted on the website of the McKamey Animal Center and provided to the Office of the City Attorney for the City of Chattanooga and to the Chattanooga Police Department. The notice shall state that the impounded animal or fowl must be claimed within three (3) days or it will be adopted, auctioned or humanely destroyed. Any person claiming an impounded animal shall be required to show satisfactory proof of ownership and to pay the costs of impounding and maintaining the animal.

**Sec. 7-107. Keeping or possessing swine, goats or fowl.**

(a) It shall be unlawful for any person to keep or possess swine, goats or fowl 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 apply to swine, goats or fowl that are in the City solely to be transported through the City or to be offered for sale at regularly operated stockyards or slaughterhouses. This section also shall not apply to miniature pigs or potbellied pigs kept as house pets.

**Sec. 7-108. Livestock and fowl at large prohibited.**

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<sup>3</sup> Formerly Article VII, Miscellaneous. (Ord. No. 12343, 1-26-10)

It shall be unlawful for any person owning or controlling any livestock or fowl to allow such animals to run at large in the streets or on any public or private property in the City without the permission of the owner of such land.  
State law reference – T. C. A. § 44-8-401.

**Sec. 7-109. Horses, mules prohibited on sidewalks.**

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

**Secs. 7-110. – 7-114. Reserved.**

**ARTICLE IX. EXOTIC ANIMALS**

**Sec. 7-115. Keeping of exotic animals prohibited.**

No person shall have, keep or permit to be kept on his or her premises within the City any exotic animal as defined in this chapter.

**Sec. 7-116. Notice required at place of sale.**

Any person who offers for sale an exotic animal as defined in this chapter shall post conspicuously at the place of sale or display the following notice:

“No person may lawfully have, keep or permit to be kept within the corporate limits of the City of Chattanooga, Tennessee, any exotic animal, as defined in chapter 7 of the Chattanooga City Code. An exotic animal includes any animal that would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. By way of example, such animals include, but are not limited to, any live monkey (non-human primate); raccoon; skunk; wolf; squirrel; fox; leopard; panther; tiger; lion; lynx; bear; deer; elephants; ostriches; sharks; any poisonous animal, fish or reptile; or any other warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state; or any other member of the crocodylian species, including, but not limited to, alligators, crocodiles, caimans, and gavials.”

**Sec. 7-117. Exceptions to exotic animal prohibition.**

The prohibition of Section 7-101 shall not apply to the following:

- (a) a zoological park accredited by the American Association of Zoological Parks;

- (b) any veterinary establishment licensed by the state;
- (c) any laboratory facilities owned and maintained by licensed veterinary hospitals; or
- (d) appropriately accredited colleges, universities or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes.

**Secs. 7-118. – 7-123. Reserved.**

#### **ARTICLE X. DEAD ANIMALS**

**Sec. 7-124. Disposal 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 for a fee.

**Sec. 7-125. Disposal of large animals in the City.**

It shall be unlawful for any person to bury any large dead animal in the City or to deposit 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. 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, 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., in which case it shall be removed before noon of the following day. Such animals may be disposed of at the City landfill for a fee.

**Secs. 7-126. – 7-130. Reserved.**

#### **ARTICLE XII. GUARD DOGS**

**Sec. 7-131. Registration of guard dogs.**

(a) All persons using dogs as guard dogs, as defined in this chapter, shall register said dogs with the McKamey Animal Center and obtain a license by filing a registration form with the McKamey Animal Center that includes the following information:

- (1) A legal description or the business address of the premises at which the guard dog owner desires to keep or employ the registered guard dog to prevent unauthorized intrusion;
- (2) A statement concerning whether the guard dog owner owns or rents the premises to be guarded. If the individual rents the property, he or she must submit a written statement from the property owner giving permission for a

guard dog to be kept on the property to prevent unauthorized intrusion for the duration of the registration period;

- (3) A description of the guard dog for purposes of identification;
- (4) An acknowledgment by the guard dog owner regarding whether the dog has been trained as a guard dog to exhibit hostile propensities;
- (5) An acknowledgment by the guard dog owner that the property to be guarded has devices such as fencing to prevent general access by the public to the guard dog when the dog is being used to guard the premises;
- (6) An acknowledgement by the guard dog owner that the property is properly signed, as specified in Section 7-115(c), to forewarn the public of the dog's presence on the property; and
- (7) An acknowledgement by the guard dog owner that the 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.

(c) The registration shall be valid for one (1) year.

(d) A guard dog owner must comply with all requirements of this article before the McKamey Animal Center issues a guard dog license and tag.

(d) A guard dog owner must renew the registration of the guard dog annually while the dog is kept or employed as a guard dog on the property.

**Sec. 7-132. Requirements of guard dog owners.**

(a) All registered guard dogs shall wear a special tag to identify them as guard dogs. Such tags are available only from the McKamey Animal Center.

(b) All registered guard dogs shall be implanted with an identification microchip, and the serial number of the microchip shall be supplied to the McKamey Animal Center.

(c) The guard dog owner shall post signs in conspicuous places at all entrances to the property at which the guard dog is employed. The signs shall have reflective letters that are a minimum of two (2) inches and a maximum of ten (10) inches in height stating, "Beware of Guard Dog on the Property." Such a 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 guard dog owner's presence is required.

**Sec. 7-133. Inspections.**

(a) Before issuing a license and tag for a guard dog, the Director of the McKamey Animal Center or an authorized representative shall inspect the property that is stated on the registration form as the location where the guard dog will be kept or employed.

(b) The Director or an authorized representative of the McKamey Animal Center shall perform an inspection of the premises each year prior to the renewal of a guard dog license and tag.

(c) The Director or an authorized representative of the McKamey Animal Center periodically may make routine inspections of the premises where the dog is located for the purpose of enforcing the provisions of this article.

(c) Inspections under this section shall include verification by the McKamey Animal Center that the guard dog owner is taking adequate measures to protect the health, welfare and safety of the general public and to ensure the humane treatment of the guard dog. If the property is deemed inadequate during the inspection, the guard dog owner will be informed of the changes that must be made before the license can be issued.

**Sec. 7-134. Limitations.**

The provisions of this article shall not apply to any facility possessing or maintaining guard dogs that is owned, operated or maintained by any city, county, state or the federal government.

**Secs. 7-135. – 7-140. Reserved.**

**ARTICLE XI. MISCELLANEOUS<sup>4</sup>**

**Sec. 7-141. 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, humane societies, or the McKamey Animal Center are unable to find a satisfactory alternative. Legally permitted hunting through the State of Tennessee is expressly exempted from this provision.

**Sec. 7-142. Penalty for violations.**

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<sup>4</sup> Formerly Article X. (Ord. No. 12343, 1-26-10)



Any person violating the provisions of this chapter may be subject to a civil penalty or fine of up to fifty dollars (\$50.00) for each violation.

**Sec. 7-143. 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.

**Sec. 7-144. 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.

**Secs. 7-145. – 7-152. Reserved.**

**ARTICLE XII. ANIMAL CONTROL BOARD**

**Sec. 7-153. Establishment of Animal Control Board; responsibilities.**

(a) There is hereby established a board of nine (9) members, to be known as the "Animal Control Board" (hereinafter also referred to as "the board").

(b) The Animal Control Board shall be responsible for studying the types of animal-related permits that the City should require and recommending to the City Council standards for obtaining and maintaining such permits. Toward that end, the board shall develop and recommend proposed ordinance changes to the City Council.

(c) The Animal Control Board shall have the authority to grant, suspend or revoke animal-related permits following a hearing, pursuant to ordinances adopted by the City Council.

**Sec. 7-154. Terms; filling vacancies; officers.**

(a) Each member of the City Council shall appoint one resident of the City to be a member of the Animal Control Board, subject to approval by the majority of the City Council. Each Animal Control Board member shall serve without salary. Employees of the City and employees or board members of the McKamey Animal Center shall not be eligible for appointment to the Animal Control Board.

(b) The members of the Animal Control Board shall be appointed so as to hold office for staggered terms. Council members from districts 1, 4 and 7 initially shall appoint board members for

one (1) year terms. Council members from districts 2, 5 and 8 initially shall appoint board members for two (2) year terms. Council members from districts 3, 6 and 9 initially shall appoint board members for three (3) year terms.

(c) After the initial appointments, terms of all board members shall be for three (3) years or until their successors are appointed and approved.

(d) In the event of a vacancy on the Animal Control Board, the City Council member in whose district the vacancy occurs shall fill that vacancy by appointing another resident of the City to serve the remainder of the term, subject to approval by the majority of the City Council.

(e) The Animal Control Board shall select its own chairperson and vice-chairperson from among the board members. Those officers shall be elected annually. No officer may serve consecutive terms in the same office.

**Sec. 7-155. Removal from office.**

(a) Any member of the Animal Control Board who fails to attend three board meetings without medical excuse or other exigent circumstances is subject to removal from the board. The board chairperson shall notify the Council chairperson of said member's absences, and the Council may remove said member for cause.

(b) Upon the recommendation of the majority of the Animal Control Board or upon a Council member's own volition, a majority of the Council may remove any member of the board for official misconduct, incompetency, willful neglect of duty or other just cause.

**Sec. 7-156. Time, place of meetings.**

The Animal Control Board shall meet as often as necessary to conduct business, but not less than annually. The board shall determine the dates and times of its meetings.

**Sec. 7-157. Legal counsel.**

The City Attorney's Office shall serve as legal counsel to the Animal Control Board. Upon the request of the chairman of the board, an attorney with the City Attorney's Office shall be present at any meeting of the board.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2)

weeks from and after its passage, as provided by law.

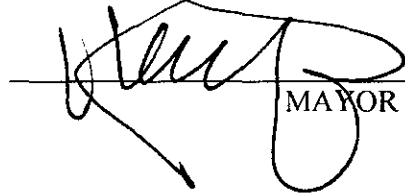
PASSED on Second and Final Reading

October 2, 2012.

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: 10/4 2012

  
MAYOR

MJF/mms