

**ORDINANCE NO. 23-1234**

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO PROVIDE FOR A COMPREHENSIVE REVISION OF THE RED BANK ORDINANCES GOVERNING OWNERSHIP, CONTROL, AND REGULATION OF ANIMALS AND DOMESTICATED FOWL WITHIN THE CITY OF RED BANK; TO BE CODIFIED AT RED BANK CITY CODE TITLE 10, CHAPTERS 1 THROUGH 10, INCLUSIVE, AND ENTITLED “RED BANK ANIMAL AND FOWL CONTROL ORDINANCE”**

**WHEREAS**, the City Commission finds that present regulatory provisions of and with respect to keeping, controlling, and monitoring of domesticated animals within the City of Red Bank are problematic and in need of revision, and that amended rules and regulations are desirable; and

**WHEREAS**, the City Commission finds that it is necessary and appropriate to revise, amend, and enact a comprehensive set of rules and regulations of and with respect to keeping and monitoring domesticated animals and the exclusion of animals other than expressly

permitted by the Ordinance within the City of Red Bank and to thereby rescind and repeal previously enacted and inconsistent ordinances addressing the same topic.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Red Bank as follows:

(A) Ordinances 21-1152 and 21-1195 are hereby repealed.

(B) The Red Bank Animal and Fowl Control Ordinance, codified at Red Bank City Code Title 10, Chapters 1-10, Sections 10-1 through 10-107 inclusive, is hereby enacted to provide as follows:

#### ARTICLE I. ANIMAL SERVICES DIVISION

##### Section 10-1. Animal Care; Agent of the City of Red Bank duties; powers.

(a) Animal Care. The contracted Animal Services Agent and/or its designated Animal Protection Officials and/or the Red Bank Police Department, as appropriate or necessary shall be authorized to provide animal services for the City of Red Bank.

(b) These contracted services shall include the following:

- (1) Providing essential animal services to the residents of Red Bank through the enforcement of animal-related codes as stated in the Tennessee Code and City Code;
- (2) Licensing of animals;
- (3) Animal safety and educational programs;
- (4) An attempt to reach resolution of animal-related problems by education or advice;
- (5) Emergency and rescue services for animals;
- (6) Cooperation with the county health director and assisting in the enforcement of the laws of the City and State with regard to companion animals and especially with regard to the vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals;
- (7) Investigation of cruelty, neglect, or abuse of companion animals; and
- (8) Maintaining an animal shelter in accordance with the provisions of this Chapter that will include, but not be limited to, sheltering of animals impounded under this Chapter, licensing of animals, quarantine of rabies-suspect animals, reduction of stray and unwanted animal population through spay and neuter programs, community education with regard to pet overpopulation, methods of ownership identification and disposition of impounded animals by adoption, redemption, or humane euthanasia. Animals generally, T.C.A. §§44-17-101, et seq.

(c) The Animal Services Agent, acting by and through its duly qualified Animal Protection Officer(s) or any Police Officer of the City shall have the power and duty to protect the animals taken into custody, whether in transit or at the Agent's Animal Center. Any Animal Protection Officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency and/or appears to be unable to physically remove

itself from a situation that restricts its movement. If an animal is determined by the Animal Service Agent veterinary personnel or by veterinary personnel engaged by Animal Services Agents to be suffering or carrying a highly communicable and/or potentially fatal disease, or the Executive Director has determined that the animal poses a safety risk to staff or other animals, that animal may be immediately humanely euthanized regardless of whether ownership information is available.

#### Section 10-2. Definitions.

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

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

"*Adequate care*" or "*care*" means the reasonable practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health. Enclosed animal housing areas should be constructed so as to allow for adequate ventilation to avoid extreme temperature, humidity, and air stagnation.

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

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

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

*“Adequate space”* means sufficient space to allow each animal to (i) easily stand sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered between the hours of 10pm and 6am.

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

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

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

*“Agricultural animals”* means all livestock and poultry.

*“Agent”* means that person or persons responsible for the Animal Protection Services within the City of Red Bank; Agent is synonymous in most contexts herein with “Animal Protection Officer” (APO) and with “Animal Center”.

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

*“Ambient temperature”* means the temperature surrounding the animal.

*“Animal”* means a living organism characterized by voluntary movement except human beings and plants.

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

*“Animal Center”* means any contractor or Agent with which the City contracts to perform the tasks, duties, responsibilities, or actions provided for in this Red Bank Animal and Fowl

Control Ordinance.

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

*“Animal Protection Officer”* or *“APO”* means a person legally sworn and appointed as an Animal Protection Officer that is authorized by the City Manager and or as may be employed by the Animal Services Agent, and or by the City's Animal Services Agent to carry out the duties imposed by this Chapter and or by state law.

*“Animal Services Agent”* shall mean the entity contracted by the City to perform animal control and protection services and to carry out the terms, provisions and requirements of this Ordinance and of Animal Control and Protection functions generally.

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

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

*“Attack”* means attack by an animal on or 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 when provoked or its owner or keeper against aggression by a person or an animal.

*“Barking Dog”* - See Section 10-41, et seq., infra.

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

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

*“City Manager”* means the then serving and duly appointed City Manager and/or, in context, his or her duly authorized designee.

*“Collar”* means a well-fitted device appropriate to the age and size of the animal,

constructed of nylon, leather, or similar material, and attached to the animal's neck in such a way as to avert trauma or injury to the animal.

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

*"Community Cat"* means any cat, whether socialized or not, that habitually spends some or all of its time outdoors and either has one or more caregivers providing adequate care or is of sufficiently healthy body weight and condition to indicate that it has access to food and shelter and as such can continue living outdoors.

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

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

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

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

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

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

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

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

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

*"Domestic animal"* means any animal that may be legally possessed by a person and is

commonly kept as a pet in or around a residence, outbuildings, or business.

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

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

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

*"Feral Cat"* means any cat that is generally not socialized to people, habitually spends all of its time outdoors, and either has one or more caregivers providing adequate care or is of sufficiently healthy body weight and condition to indicate that it has access to food and shelter and as such can continue living outdoors.

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

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

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

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

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

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

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

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

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

"*Impoundment*" means the placement of an animal in the custody of the Agent's Animal Center.

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

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

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

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

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

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

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

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

"*Neglect*" means any of the following:

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



(6) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory to suffer unnecessary neglect, torture, or pain; or

(7) Meeting the requirements of the definition of an Animal Hoarder.

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

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

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

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

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

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

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

"*Proper disposal*" means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

"*Proper enclosure*" means a place in which a companion animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of

children under the age of twelve and designed to prevent the companion animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the companion animal from escaping and shall also provide protection for the companion animal from the elements. The enclosure shall be of suitable size for the companion animal.

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

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

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

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

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

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

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

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

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

"*Sanitary conditions*" means space free from health hazards including excessive animal

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

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

"*Stray*" means any animal: (i) which is at large; (ii) which appears to be lost, unwanted or abandoned; or (iii) whose owner is unknown or not readily available.

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

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

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

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

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

- (1) When the animal is located on the property of the owner or keeper of the animal and is secured by means of a leash or tether which prevents the animal from leaving the property of the owner or keeper of the animal.
- (2) When the animal is secured by means of a leash held by a person of suitable age and discretion.

"*Weaned*" means an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

#### Section 10-3. Seizure of at-large animals upon return to the property.

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

- (1) There is no way to ensure the animal's confinement to the property if the officer would leave it there to await the owner's return,
- (2) It could present a danger to the public, traffic, or other animals if left until the owner returns.
- (3) The animal is not considered to be under control at the time of the impoundment, a

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

Section 10-4. Interference with enforcement of chapter.

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

Section 10-5. Care of impounded animals.

Any Animal Shelter shall take proper care at all times of all animals held in custody and shall provide such animals with adequate food, water, care, and shelter.

Section 10-6. Redemption by owner.

The owner of any animal confined in the Agent's Animal Center may, before the expiration of the legal holding period, redeem the same upon payment of the assessed fees and production of proof of ownership satisfactory to the Agent's Animal Center of their ownership of the animal.

Section 10-7. Disposition of fees and proceeds of sales collected by Agent's Animal Center.

All fees and the proceeds of the sale of animals shall be collected by the Animal Center unless otherwise provided by contract approved in advance by the City Commission.

Section 10-8. Animal Protection Officer.

Upon written request by the Director of the Agent's Animal Center and upon background investigation by the Police Department, the City Manager may, but shall not be required to, issue unto the officers named in such request commissions as special Police Officers of the City for the limited purposes of enforcing the provisions of this Chapter. The holders of such commissions shall have, possess, and exercise every power granted by such commissions but no other "police powers": 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.

Section 10-9. Enforcement of article; obstructing enforcement.

The Agent's Animal Center and/or the Red Bank Police Department and/or the City Manager or his/her designee shall enforce the provisions of this Chapter and shall have the power to issue citations for violations thereof. It shall be unlawful for any person to hinder, molest, or interfere with Agent's Animal Center personnel or such other persons authorized hereby in the performance of their duties hereunder.

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

The Agent's Animal Center or other person(s) authorized by Sections 10-8 and 10-9 hereof, are authorized to place, upon request, live-capture animal traps on private property with the permission of the owner or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an Animal Protection Officer or the Officer's designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap. The Agent's Animal Center is authorized to receive and impound animals that are trapped by other agencies or persons.

Section 10-11. Duty to report shows and entertainment involving live animals to Agent's Animal Center; presence of Animal Protection Officer at shows involving animals; penalty for violation.

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

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

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

(d) This section does not apply to dog shows, cat shows or other similar events involving animals being judge or exhibited.

Section 10-12. Inspections.

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

(a) If such property is occupied, the officer shall first present proper credentials to the

occupant and request permission to enter, explaining his reasons therefore;

- (b) If such property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request permission to enter, explaining his reasons therefore; and
- (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 Protection Officer, Police Officer, or designee of the City Manager shall seek to obtain a warrant from the City Court Judge or the General Sessions Court of Hamilton County, Tennessee, to conduct a search of the property.

Section 10-13. Reserved.

## ARTICLE II. IN GENERAL, IMPOUNDING

Section 10-14. Authority to go upon private property.

An agent of Agent's Animal Center or any authorized person pursuant to Sections 10- 8 and 10- 9 of this Ordinance, can pursue any animal for the purposes of enforcing the provisions of this chapter over open property or open fields unless requested to leave by any owner of the property. Any agent of the Agent's Animal Center, Police Officer, peace officer, or other employee of the City under the control and supervision of the aforementioned persons shall have the right to go on unlocked properties and or unfenced or unposted private property within the City of Red Bank for the express purpose of enforcing the provisions of this chapter provided it is necessary or expedient for such purpose.

Section 10-15. Animals at large.

(a) It shall be unlawful for any person to allow any unrestrained animal belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go unrestrained or be allowed to be not directly under control. This section shall not apply to any Community Cats or Feral Cats. Any animal found running at large in violation of this section and any animal required to be licensed found at large unlicensed is declared to be a nuisance and liable to seizure and disposal as provided in this Chapter.

(b) Any animal found at-large more than once in any twelve (12) month period shall be subject to seizure and/or impoundment. Such animal shall not be redeemed by any person until such animal is spayed or neutered. The owner or keeper of such animal shall be responsible for the expense of such spay neuter. Spaying/Neutering requirement will be waived upon a showing of proof of spay/neuter from a licensed veterinarian or if the owner or keeper provides a written statement from a licensed veterinarian stating that the spay/neuter procedure would be harmful to the animal. If holding the animal for spaying or neutering would overburden the Animal Center, the owner may be permitted to reclaim the animal upon the condition they provide to the Animal Center proof that the animal has been altered within three (3) months of the date of reclaim. Failure to provide such proof will subject the owner to citation to City Court for violation of this section and imposition of a civil penalty of \$50.00 per day that the animal has remained unaltered past the specified deadline.

(c) Estrous period. It shall be unlawful for any person owning or having ownership, possession, charge, custody, or control of a female dog or female cat to allow that animal to be at large during its estrous period or in heat. During this period, the owner or person having possession of the animal must restrain the animal in a secure, roofed enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such dog or cat not so confined may be seized and impounded. Such animal shall not be redeemed by any person until such animal is spayed if the female animal is in heat at the time of impound as is determined by a licensed veterinarian. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved, if the owner is found to be in possession of a current breeders permit.

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

Section 10-16. Animal causing unsanitary conditions; prohibited.

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

(b) All owners and persons are required to immediately and properly dispose of a pet's solid waste deposited on any property, public or private, not owned or possessed by that person which shall include, at a minimum, immediate placement of animal waste in a plastic bag, tying or sealing same, and placing the bag and contents in a garbage can or other suitable container.

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

(d) The provisions of this Article shall be enforced by the Agent's Animal Center, and Police Department of the city of Red Bank and/or other designees of the City Manager.

(e) Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a mandatory fine of up to \$50.00 per occurrence, each day of violation constituting a separate offense.

Section 10-17. Animal creating nuisance; prohibited.

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance as defined by this Chapter. The owner or custodian must keep the animal that has been determined by the Agent's Animal Center and/or by a Police Officer or the designee of the City Manager to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the Agent's Animal Center director and/or the designee of the City Manager declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to abate the nuisance. It shall be unlawful for the animal's owner or custodian to fail to

comply with such instructions.

Section 10-18. Keeping stray animals; failure to advertise animal in attempt to find the owner.

It shall be unlawful for any person in the City to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to such person without permission of the owner or attempting to find the owner via the Animal Center and/or social media. Any person within twenty-four (24) hours from the time such animal came into his or her possession must either surrender the animal to the Agent's Animal Center or submit a lost animal report to the Agent's Animal Center. Said animal must be held, either at Agent's Animal Center or in the custody of the finder, for a required legal stray hold period of five (5) days or ten (10) days if proof of ownership is present (e.g. microchip, identification tag). If such animal is not reclaimed after five (5) days, the finder may keep the animals or, if the animal is in the custody of the Agent's Animal Center, that animal may be adopted, transferred or otherwise dispositioned. The expense of sheltering fees, license fee and rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the five (5) days. No person harboring such an animal shall refuse to relinquish such animal to its legal owner prior to the expiration of said five (5) days.

Section 10-19. Impounding, destruction of violating animals authorized.

(a) The Agent's Animal Center shall take up and may impound any animal found running at large and/or in violation of this Chapter.

(b) If, in the attempt to seize an animal, it becomes impossible to do so with the hands, any Animal Services or Animal Protection Officer or Police Officer, being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies, may, at his or her discretion, use any and all humane means of containing and controlling the animal. The animal may be tazed, maced, shot, or otherwise dealt with in a manner likely to cause significant pain, suffering or death if and only if in the professional opinion of the Officer any person is in danger of serious bodily harm or if human life is at risk and there is no other immediately available more humane reasonable means of subduing the animal.

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 10-28.

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

Section 10-20. Care while in custody.

Any animal care facility including any Animal Shelter shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping intact males and females and vicious dogs in



separate kennels or cages and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding.

Section 10-21. Notification of impounding.

Immediately upon impounding an animal, the Agent's Animal Center or its designee shall give notice by postcard or letter sent certified by United States mail to the address of the owner, if known, within two (2) business days after the seizure of such animal. The letter or postcard shall inform such owner of the conditions whereby the animal may be redeemed. Notification by mail shall not be required for animals which have been impounded pursuant to this Chapter if a citation has been issued to the owner or for owner-relinquished, abandoned or quarantined animals or wildlife.

Section 10-22. Redemption of impounded animals by owner; fees.

(a) The owner of a dog or cat may claim and redeem it upon payment or proof of the license fee and rabies vaccination required by this Chapter. The Agent's Animal Center sets the price and right to waive fees for any and all remaining services they provide. Potential fees are an impound fee of twenty dollars (\$20.00) plus board for each day such dog or cat has been kept at the Agent's Animal Center at the rate of ten dollars (\$10.00) per day; provided, however, that, upon the second and subsequent offenses, for a licensed or unlicensed dog or cat, the above fee shall be fifty dollars (\$50.00) in addition to the board of ten dollars (\$10.00) per day as set out above. All veterinary costs and/or other costs incurred as a result of impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the Agent's Animal Center. The Agent's Animal Center shall have the right to waive any and all fees or authorize installment payment plans if appropriate to reunite pets with their owners.

(b) All owners of livestock may claim and redeem such animal by paying the Agent's Animal Center an impound fee of fifty dollars (\$50) and board for each day at the rate of ten dollars (\$10) per day plus the cost of any transportation of the animal to the Shelter. Such costs as well as all veterinary costs and or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full regardless of whether the animal is reclaimed or relinquished to the Agent's Animal Center. The Agent's Animal Center shall have the right to waive any and all fees or authorize installment payment plans if appropriate to reunite pets with their owners.

Section 10-23. Disposition of unclaimed dogs or cats.

Any currently licensed or otherwise identified dog or cat impounded shall be kept for a period of ten (10) days after certified notice is mailed to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of as provided by law.

Any unlicensed dog or cat impounded with no detectable identification shall be kept for five (5) business days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of as provided by law. This section shall not apply to any Community Cats or Feral Cats in the City.

Puppies and kittens less than six (6) months of age as determined by the emergence of

canine teeth without an actively nursing mother shall be subject to any holding periods and may be available for adoption, transfer, or other disposition immediately upon intake to the Agent's Animal Center.

Feral and community cats shall not be subject to any holding periods and may be made available for adoption, transfer, or other disposition immediately upon intake to the Agent's Animal Center.

#### Section 10-24. Detention when rabies suspected.

Every animal determined or reasonably suspected by the Health Director of the Hamilton County Health Department or any authorized officer thereof and/or by the Agent's Animal Center and/or by any person otherwise authorized by Section 10-9 of this Title to pose a risk of rabies and every animal that has bitten a human and/or been exposed to rabies or is suspected of having rabies shall be, at the direction of the Director of Health, quarantined for a minimum period of ten (10) days at the owner's home or at the Agent's Animal Center or, at the option of the owner of such animal, shall be detained in a licensed veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Director of Health or his designee, and it shall be released or, if the animal is determined by a veterinarian or the Director of Health or his designee to have rabies, humanely destroyed by the Agent's

Animal Center after the termination of the observation period according to instructions from the director of health. The Director of Health may order the Agent's Animal Center to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. The owner of such dog or cat shall be liable for board fees in the amount of ten dollars (\$10.00) per day if such dog or cat is confined at the Agent's Animal Center. Such costs as well as all veterinary costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the Agent's Animal Center. State law reference-T.C.A. §§ 68-8-101—68-8-113.

#### Section 10-25. Procedure with respect to redemption or adoption of animals.

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

(1) The dog or cat has first been spayed or neutered, unless a veterinarian had indicated that such a surgery is contraindicated; or

(2) The new owner signs a written agreement with the agency stating that he or she will have the animal spayed/neutered within thirty (30) days after adoption unless an extension is approved by the Agent because of limited surgical availability.

(b) The agency shall have the authority to require deposits from the new owner in order to ensure that the animal is spayed or neutered. The deposit shall not be less than twenty five dollars (\$25.00). Any deposits unclaimed after a period of six (6) months from the date due for surgery and in which time reasonable efforts have been made to ensure compliance, shall be

deemed to be forfeited and shall only be used for the altering of animals. The provisions of this subsection shall not apply to persons selling or giving away animals from a residence, business, or retail facility.

(c) All dogs and cats adopted from the Agent's Animal Center shall be vaccinated against rabies prior to adoption, provided that if the dog or cat is less than three (3) months old a deposit of not less than twenty-five dollars (\$25.00) shall be collected from the person adopting the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four months of age. In the alternative, a person adopting a dog or cat may prepay the cost of such vaccination at the Agent's Animal Center; such person must obtain the vaccination within fifteen (15) days of the adoption of such dog or cat if the animal is over three months of age or within fifteen (15) days of the dog or cat reaching three (3) months of age.

(d) Except for dogs and cats for which the owner can provide proof of vaccination or a rabies voucher has been purchased, all dogs and cats over three (3) months old redeemed from the Agent's Animal Center shall be vaccinated against rabies prior to redemption, if such vaccination is lawfully available to be administered.

Section 10-26. Immediate placement for adoption or destruction of animal surrendered by owner.

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

- (i) Affirmatively represents by affidavit that he or she is in fact the legal owner of said animal;
- (ii) Agrees to hold the City of Red Bank, Agent's 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
- (ii) Transfers ownership of said animal to the City or Animal Center.

Section 10-27. Notice of seizure of animal.

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

Section 10-28. General duties of keepers of animals.

(a) Unlawful conduct. It shall be unlawful for any person to neglect an animal as neglect is defined in this Chapter.

(b) Breeding and reproduction of diseased animals prohibited. A person owning or

having possession, charge, custody, or control of an animal shall not breed, sell, give away or allow the reproduction of that animal with a disease contagious to other animals or human beings. Breeding of animals in the city limits shall not be permitted without first obtaining a breeder's permit pursuant to this chapter. Each offspring shall be considered a separate violation.

(c) Abandonment. It shall be unlawful for any person owning or having possession, charge, custody, or control of an animal to abandon that animal on a street, road, highway, public place, Agent's Animal Center, or private property. Each animal abandoned in violation of this section shall be considered a separate violation.

(d) Public Nuisance. It shall be unlawful for any person to allow any animal under his or her care or control to become a public nuisance as defined in this Chapter.

#### Section 10-29. Destruction of dangerous, diseased, or injured animals.

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

(b) The Executive Director may issue either a verbal authorization followed by written confirmation or written authorization for such humane destruction.

#### Section 10-30. Exemption from Chapter.

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

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

#### Section 10-31. City license required; exception.

(a) The owner of every dog and cat over the age of three (3) months in the City shall obtain a license for such dog or cat from the City's then contracted Animal Services Agent, i.e., Animal Services Center, located at 4500 N. Access Road, Chattanooga, TN 37415 or such places or locales within the City of Red Bank, if any, as the City shall determine as appropriate from time to time. The Animal Services Center can reserve the right to allow for microchipping in lieu of physical licensing. The microchip, 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. Owners of dogs or cats who have failed to obtain a license for their animals and owners of dogs or cats who have failed to renew the license of their animals within thirty (30) days of the date of license expiration 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 owners by a court of competent jurisdiction.

(b) The provisions of this section shall not apply to:

i) Nonresidents of the City who are traveling through the City or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs or cats into the City exclusively for show or exhibition purposes.

ii) An animal rescued by a registered rescue organization (as defined in this chapter) for a period of one (1) year from the intake/rescue of such animal.

(c) The Animal Services Center and or the City's Agent shall issue a metal license tag for each dog or cat registered as provided herein, marked with the license number and Agent's Animal Center address and phone number. Registered, [date], Red Bank, No. \_\_\_ \_\_\_." Such tag shall be either fastened to the dog's or cat's collar and worn by the dog or cat or kept in the possession of the owner and able to produce proof as needed. Breakaway collars are recommended when tags are affixed to collars worn by cats. It shall be unlawful for any person to use a tag on a dog or cat for which such tag was not issued. License tags issued to dangerous dogs and to potentially dangerous dogs shall be of a distinctive color different from regular license tags and different from each other. License tags issued to dangerous dogs and to potentially dangerous dogs are required to be worn by the subject animal at all times.

#### Section 10-32. License fees.

(a) Subject to the provisions of subsection (b) below, the annual license fee for dogs and/or cats shall be ten dollars (\$10.00) each; provided, that a surcharge of an additional forty dollars (\$40.00) annually shall be levied against all dogs and cats which are not neutered. The license must be renewed within 30 days of the previous license's expiration date. Licenses for up to three (3) animals that are neutered and owned by senior citizens over age sixty-five (65) shall be free as long as the animals are current on rabies vaccinations. The Agent's Animal Center and/or the City's Agent is authorized to charge a fee of five dollars (\$5.00) for each lost tag replaced. The Animal Agent's Center is authorized to charge a fee for the implantation of microchips for the purpose of identification, registration, licensing, and return of impounded pets to owners. Annual licenses may also be sold to participating licensed veterinarians by the Agent's Animal Center for resale to clients. Licensed veterinarians may add an additional \$2.00 convenience fee to each license fee the convenience fee will be retained by the participating veterinarian. The veterinarian will be required to submit a monthly report to the Agent's Animal Center and/or the City's Agent before the 5th day of each month, regarding the disposition of the licenses sold to his/her clients.

(b) The annual license fee for a potentially dangerous dog (PDD) as defined herein, shall be One hundred dollars (\$100.00) each; provided, that a mandatory surcharge of an additional fifty (\$50.00) shall be levied against all such dogs which are not spayed or neutered. The annual license fee for a dangerous dog (DD) shall be two hundred dollars (\$200.00) each provided, that a mandatory surcharge of an additional fifty (\$50.00) shall be levied against all such dogs which are not spayed or neutered. (PDD) and (DD) tags shall be of a distinctive color different from regular license tags and different from each other. The licenses for potentially dangerous dogs

and dangerous dogs must be renewed within 30 days of the previous license's expiration date. The license fees set forth in this subsection apply to all potentially dangerous dogs and dangerous dogs regardless of ownership.

(c) The licenses, fees, and taxes collected pursuant to this Article shall be used by the Agent's Animal Center and/or the City's Agent for the purposes set forth in this Chapter or otherwise provided by contract. The surcharge for unneutered dogs and cats may be used to support the sterilization of companion animals or other animal welfare-related needs.

(d) The City Commission may adjust, increase or decrease the fees or taxes to be paid and collected pursuant to this Article by Resolution of the City Commission without the necessity of an amendment to this Ordinance.

Section 10-33. Multiple pet, pet/animal dealer, and breeder/kennel/cattery permits.

(a) No person or organization shall keep, lodge, or maintain in excess of seven (7) dogs and/or cats, unless such person or organization shall apply for and receive a multiple-pet permit from the City's Agent, i.e., Agent's Animal Center presently located at 4500 N. Access Road, Chattanooga, TN 37415 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) for each dog or cat in excess of ten (10) dogs or cats.
3. Two hundred dollars (\$200) for each dog or cat in excess of twenty (20) dogs or cats.

(b) This requirement shall not apply to a registered rescue organization, an animal shelter, a zoo of a governmental agency, or an institution of higher learning.

(c) Any person operating a rescue organization or shelter must register with the City's Agent, i.e., the Agent's Animal Center, providing documents as may be required for proof of rescuer status, in order to fit within the exceptions to licensing and permitting in this chapter.

(d) Any pet/animal dealer, as defined in this chapter, must apply for and receive a pet/animal dealer permit from the City's Agent's Animal Center.

(e) Any person who owns or has control of a dog or cat and who intentionally causes or allows the breeding of such dog or cat shall obtain a breeder's permit.

(f) Multiple-Pet and Pet Dealer permits will not be issued to persons found to have violated City and/or state laws regarding neglect or cruelty.

Section 10-34. Permits generally.

(a) All animal-related permits will be valid from January 1st to December 31st of the year of purchase and will be required in addition to any other licenses or permits required by this chapter.

(b) Any fees for multiple pets are in addition to any other license, permit or other fees

imposed by this ordinance. Registered Rescue Organization: no permit fee is charged.

(c) Facilities or quarters where animals are kept shall meet minimum standards based on the definitions regarding adequate care.

(d) Facilities of any of the above permit applicants and registered rescue organizations will be subject to inspection by Animal Service Officers for with this chapter's and the permit's minimum standards.

(e) Such permits may be revoked if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of such permit may only be reinstated after successfully passing an inspection of such facilities and paying the cost of such permit and any applicable fines and fees.

(f) Any advertisements for the sale, bartering or adoption of animals covered by these permits shall state the breeder or pet dealer permit number, if applicable, in such advertisement. Violations of this requirement shall be subject to a fine of \$50.00 per occurrence.

(g) It shall be unlawful to sell barter, trade or adopt any animal as a curbside sale within the city limits of Red Bank.

(h) Whether or not required to have a permit, any person or shelter who sells, barter, adopts out or otherwise gives away a dog or cat shall keep a written record of the description of the animal and the name and address of the purchaser/ adoptee. Such records shall be kept for at least one year and will be provided to the Agent's Animal Center upon request.

(i) Persons who meet the criteria to have a permit under this section but who have failed to obtain a permit or who have failed to renew the permit within thirty (30) days of the expiration of any prior license shall be deemed delinquent and shall, effective February 1st of each successive year, be subject to an additional late fee of twenty dollars (\$20.00) per permit in addition to the regular permit fee and in addition to any fines imposed upon such owners by the City Court or the City Administrative Hearing Officer of the City of Red Bank.

#### Section 10-35. Rabies inoculation required.

(a) Any person who owns keeps or harbors a dog or cat within the City shall have such dog or cat properly inoculated or immunized against rabies. Any person who obtains an uninoculated dog or cat shall at once have such dog or cat properly inoculated against rabies and have the first time inoculation repeated one (1) year thereafter; thereafter the duration of the rabies vaccination cannot exceed three (3) years and must be in accordance with manufacturer's recommendation provided that, dogs and cats need not be inoculated before reaching the age of three (3) months.

(b) No person shall bring a dog or cat into the City for sale, exchange, offer for adoption, or giving away from another state unless such dog or cat, being at least 3 months of age, has been inoculated by a veterinarian of the state in which the owner, caretaker or responsible person lives and the owner, caretaker or responsible person of such dog or cat has in his/her possession a certificate of the vaccination or inoculation.

#### Section 10-36. Inoculation records required; tags.

Any veterinarian who inoculates a dog or cat against rabies shall keep a record of such 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 such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat or kept in the possession of the owner and provided as proof of vaccination upon request.

Sections 10-37 - 40. Reserved.

#### ARTICLE IV. BARKING DOGS

Section 10-41. Definition.

As used in this Article, "barking dog" means any dog which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel, or hospital or creates any other noise that a reasonable person would find distressing or disruptive, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 15 minutes or more in any 24-hour period, or intermittent barking for 30 minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this Chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked or is responding to an emergency.

Section 10-42. Barking dogs generally.

(a) It shall be unlawful for a barking dog to exist in the City as defined by this Article.

(b) For purposes of this Article, a person violates this Section as follows:

(1) Allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.

(2) A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.

(3) A person who is the owner of, or a person who is a lessee or sub lessee with the current right of possession of, real property in or upon which a barking dog violation occurs.

(4) For purposes of this Section, "person" includes a natural person, legal entity, or the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

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

Section 10-43. Citation for barking dog.

(a) The City's Agent, Animal Protection Officers, Police Officers, and other designees of the City Manager have the authority to issue a citation to any person responsible for a barking



dog violation if probable cause exists based upon the officer's investigation.

(b) A person who violates this Article shall be liable for and shall pay to the City of Red Bank a fine as described in the barking dog citation when due or contest the citation.

(c) Prior to issuing a citation for a barking dog, the person responsible shall be given a ten (10) day warning period within which to correct the problem.

Section 10-44 – 45 Reserved.

Section 10-46. Barking dog civil fines.

(a) A person who receives a citation under this Article may:

(1) Pay the fine in accordance with the instructions on the citation, directly to the City of Red Bank;

(2) Elect to contest the citation for the alleged violation in a hearing before the Administrative Hearing Officer for the City of Red Bank, in accordance with instructions on the citation.

(b) To avoid additional penalties, fines for barking dog violations must be received within fifteen (15) days of the date they are due.

(c) Payment of a fine shall not excuse the violator from correcting the barking dog violation. The issuance of a barking dog citation and/or payment of a fee shall not bar the City from taking any other enforcement action regarding a barking dog violation that is not corrected including without limitation, requiring removal of the dog from the premises where the offense(s) occurred and upon failure to do so, the imposition of a penalty of up to Fifty (\$50.00) per day, each day being a separate offense, for failing to do so.

Sections 10-47 - 48. Reserved.

## ARTICLE V. CRUELTY

Section 10-49. Failure to feed and water impounded animals.

It shall be unlawful for any person who impounds or causes to be impounded any animal in any shelter or other place in the City to fail to supply to such animal during such confinement adequate care as defined in this Chapter. If any animal is at any time impounded as provided herein, and continues to be without adequate care as defined in this Chapter, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon the premises where such animal is confined, and to supply it with necessary food and water so long as it remains so confined, and such person shall not be liable to any action for such entry.

Section 10-50. Transporting in inhumane manner.

(a) It shall be unlawful for any person in the City to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner or to leave an animal in a vehicle in a manner so as to subject such animal to excessive heat or cold.

(b) No person shall transport any dog in or on the back of any open truck or other open

vehicle while traveling on any city road, street, highway, lane or alley except as otherwise provided by this Section.

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

(d) This section shall not apply to any person while engaged in agricultural livestock activities.

Section 10-51. Authority to prevent acts of cruelty; unlawful interference.

Any Animal Protection Officer or Police Officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer in the discharge of such duty.

Section 10-52. 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 longer than 30 minutes with no supervision 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 Protection Officer.

(b) The terms “unhealthy situation” and “potentially dangerous situation” shall include, but not be limited to the following:

(1) Tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object for longer than a reasonable time with no supervision;

(2) Tether any animal in such a manner as to permit the animal to leave the owner's property;

(3) Tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;

(4) Tether any companion animal in a manner whereby the animal is subject to harassment and perpetual stings or bites from outdoor insects, or attacks by other animals.

(5) Failure to remove waste from the tethered area on a daily basis;

(6) Allow more than one animal to be tethered to each running cable or trolley line.

(7) Use a tether that weighs more than one fifth (1/5) of the animal's body weight.

(8) Tether, chain, attached to a running cable line or trolley system any animal between the hours of 10 p.m. and 6 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 of 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. The attachment of a tether to a choke or prong collar is strictly prohibited; 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.

(13) Tether an animal for more than fifteen (15) minutes at a time during inclement weather, meaning: a) during any severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning; b) during a heat advisory issued by a local or state authority; c) when the actual or effective outdoor temperature is 95 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower. Exceptions to this provision can be granted if an animal protection officer, having inspected an animal's individual circumstances, has determined the animal to be safe and well suited and well equipped to tolerate even these extreme environmental conditions.

(c) A person may do any of the following provided the dog does not become a nuisance to neighbors:

(1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar or between the hours of 10pm and 6am.

(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 no more than 30 minutes.

(4) Tether, fasten, chain, or tie a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Tennessee if the activity for which the license is issued is associated with the use or presence of a dog.

(d) Nothing in this Section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.

Section 10-53. Sale, barter or giving away of baby chickens, ducklings, other fowl or baby rabbits.

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

Section 10-54. Unattended Animals left in automobile.

(a) A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog. It shall be presumed that an animal's health is in danger whenever the external temperature is 70 degrees Fahrenheit or above.

(b) A person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:

- (1) A law enforcement officer or a designee of the City Manager;
- (2) A public safety employee of the State or of a local governing body; (3) An animal control officer under the jurisdiction of the State of this City; (4) A volunteer or professional of a fire and rescue service.

(c) A person described in this section may not be held liable for any damages directly resulting from actions taken in good faith under the provisions of this section.

(d) The section shall not apply if the vehicle is running and the air conditioner is running such that a safe internal temperature is maintained. Simply having windows cracked or open and/or having the vehicle parked in the shade is not sufficient.

Sections 10-55 – 57. Reserved.

ARTICLE VI. DEAD ANIMALS

Section 10-58. Disposition of large animals in City prohibited; exception.

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

Section 10-59. When owner or occupant to remove large animal from premises.

The owner or occupant of any premises in the City upon which any large animal dies or is found dead shall remove such animal, or cause the same to be lawfully removed and lawfully disposed of, to some point more than one (1) mile beyond the corporate limits within six (6) hours from the time such animal dies, or is found dead, unless it dies or is found dead after 6:00 p.m., which it shall be removed before noon of the following day.

Section 10-60. Disposition of small animals.

All small dead animals shall be placed and kept in cans provided for the removal of garbage until collected by the City. Animals may also be presented for euthanasia and cremation at the Agent's Animal Center.

Sections 10-61 – 63. Reserved.

ARTICLE VII. TRAPPING ANIMALS

Section 10-64. Definition.

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

Section 10-65. Poisoning or trapping animals.

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

Section 10-66 – 73. Reserved.

ARTICLE VIII. LARGE ANIMALS

Section 10-74. Large animals-Record to be kept.

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

Section 10-75. Large animals-Notices of detention; sale.

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

Section 10-76. Large animals-Disposition of animals not sold.

Unclaimed large animals or livestock not sold as provided in Section 10-75 may be adopted by persons other than their owners upon payment of all accrued fees, and if not so adopted, may be humanely destroyed by the Animal Service Division or otherwise disposed of.

Section 10-77. Keeping or possessing livestock, horses, swine, goats or chickens, and similar animals.

(a)(1) Except as otherwise expressly provided for herein, it shall be unlawful for any person to keep or possess livestock, horses, swine, goats, chickens or roosters, and/or similar animals within the City on property other than upon agriculturally zoned land, unless such animals are kept on a tract of land consisting of two (2) or more contiguous acres. Any such animals must be kept or maintained in a manner that does not constitute a nuisance, including foul or offensive odors.

(a)(2) It shall be an affirmative defense to a citation under Section 10-77(a) (1) if the owner/occupant of any real property as to which a violation is deemed to occur establishes by satisfactory evidence that the particular type of animal(s) at issue have been located on the property for a continuous period of two (2) years or longer next preceding January 1<sup>st</sup>, 2019, the date of enactment of this Ordinance. As a non-exclusive example, the defense shall not be deemed established as to cattle, if present for less than three (3) years, even though horses and/or other animals herein listed may have been otherwise legally present on such property for the required number of years.

(b) Domesticated Chickens Permitted, Limitations and Regulations

(1) The purpose of this section is to provide standards for the keeping of domesticated chickens within the City only where an appropriate permit has been obtained from the City Manager. This section is intended to enable City residents to keep a small number of female chicks on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and the neighborhood. No roosters are permitted, and no breeding operations or activities are permitted or allowed under any circumstances. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to the possibility of noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, the attraction of predators, rodents, insects, or parasites, and other animals on or leaving the owner's property. This section is intended to create licensing standards and requirements within the City on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the City. No property owner or occupant shall be entitled to a license or keep chickens as otherwise provided for herein in the event the same is restated or prohibited by private covenants and restrictions applicable for the property. (a)

(2) No permit shall be issued for any person to keep female chickens within the City unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the City Manager:

(a) Property must be zoned R-1 or R-1A and must not have frontage along or contain portions of Stringers Branch.

(b) Chicken coops may only be kept as an accessory use to a residence. They will not be permitted on vacant lots.

(c) All owner-occupied residential properties in zoning districts R-1 and R 1A which meet all of the other requirements of this article and this Code are eligible to have chickens, except that properties abutting Stringers Branch shall not be eligible to keep/house/shelter chickens under this Ordinance.

(d) No more than four (4) mature hens shall be allowed in any residential zone property except eight (8) hens will be allowed for those zoned residential properties of two or more acres. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.

(e) No roosters shall be allowed within the City.

(f) There shall be no slaughtering of chickens except indoors in an enclosed building in the City.

(g) Any chickens must be kept in a secure enclosure at all times (not visible from the street) that has been approved by the City Manager or designee. The size of any outside enclosure shall be a minimum of eight (8) square feet per chicken and the outside enclosure shall be set back at least twenty-five (25') from any adjoining side and rear property lines and at least fifty (50') from any stream. The enclosures must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. The size of any interior/enclosed and roofed enclosure shall provide a minimum of two (2) square feet space for each bird, "(excluding Stringer's Branch; keeping chickens is not allowed on any lot abutting or bordering Stringer's Branch): immediately following the words fifty (50') feet from any

stream and ten (10') feet from the main structure)" in the fifth (5<sup>th</sup>) line of said subsection (g).

(h) There shall be no more than one such enclosure per lot and no such enclosure shall exceed eight feet (8') in height measured from the highest point on the roof to ground level.

(i) The enclosure shall be approved by the City Manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the female chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and secured at night. No enclosures will be allowed in any front or side yard.

(1) Opening windows and vents shall be covered with predator and bird-proof wire of less than one inch (1") openings.

(2) The materials used in making the enclosure shall be uniform for each element of the structure within the City such that the walls are made of the same materials, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be painted in a neutral color, and be well maintained in good, neat, and serviceable conditions.

(3) The enclosure shall be placed in the rear yard in a location where it is uniform and in harmony with other structures on the lot and is not visible from the street.

(4) Mobile chicken coops shall be permitted provided they meet all other requirements of the Ordinance and are only moved within the setback requirements.

(j) Enclosures must be kept in a neat, sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.

(k) Chicken feed must be kept in a rodent-proof container as determined by the City Manager or designee and all chickens shall be humanely treated.

(1) Disposal of chicken litter, manure, and waste; Chicken litter, manure, and waste must be disposed of in a manner consistent with current best practices as prescribed by the Center for Disease Control and shall include at least the following:

(A) Composting-stored waste may not be stored within 25 feet of any side yard or rear yard of an adjoining property and shall not be stored within fifty feet of any stream.

(B) The City of Red Bank will accept the disposal of a



small amount of waste in the resident's city garbage receptacle. In order for the City to accept the waste the following requirements are applicable:

(i) All waste must be DOUBLE BAGGED in durable and sturdy trash bags at least three (3) mils in thickness and designed to hold household trash. Grocery store-type carry-out plastic bags are not allowed for this use.

(ii) A ten-pound limit per week or at any other single disposal time (for those not using a weekly disposal method). Accumulating waste for monthly, or less frequent, disposal may not exceed ten pounds.

(C) Failure to follow these disposal restrictions will result in permit holders having their permit revoked in accordance with Section 4, (a)(2)(o) above.

(m) Prior to purchasing any chickens pursuant to this section within the City, any person must obtain a permit from the office of the City Manager and an inspection shall be conducted of any proposed facilities for housing chickens in accordance with this section. There shall be a permit fee of Fifty (\$50.00) dollars for any person desiring to keep chickens within the City.

(n) Permit holders are required to renew their chicken permits annually coincident with the anniversary date of the issuance of their then-current permit.

Permit applicants will follow the same procedures as new applicants by logging into the city website, accessing the citizen portal, and completing the online application process.

Permit applicants will be required to schedule a re-inspection of each chicken coop, compliance with set-back requirements, and disposal procedures prior to permit issuance or renewal.

Fees for permit renewals will be the same as for new applications and based on the city's then-applicable fee schedule for chicken permits.

(o) The City Manager or designee shall deny a permit to keep domesticated chickens within the City if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the City Manager or designee at any time if any provision of the application shall be determined to be false or inaccurate in any material way or if there is determined to be a risk from existing conditions to public health or safety and/or if there is subsequently at any time any violation or failure to comply with the provisions of this Ordinance including without limitation any failure to control odors, noise from chickens emanating from a permitted property a discernable or detectable from the street or any adjoining or nearby residential property and which, in the determination of any such adjoining property owner, unreasonably interferes with such persons' enjoyment of his or her property,

after a permit has been issued. Any denial, revocation, or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to file a written appeal to the Administrative Hearing Officer within ten (10) days of the denial, revocation, or suspension by the permit holder.

(p) If any such permit shall be revoked and written notice thereof be sent via certified mail to the permit holder at the address shown on the permit, or by hand delivery, the failure of such permit holder to remove the chickens or the enclosure after 10 days, shall ipso facto, result in the assessment of a civil penalty in the amount of Fifty (\$50.00) dollars, per day for each day thereafter until the chickens and the enclosure are removed.

(c) This section shall not be construed to apply to persons possessing such animals for the purpose of being transported through the City, to such animals being kept and offered for sale at regularly operated stockyards or slaughterhouses, or which are located temporarily on the property for the purpose of controlling kudzu or other invasive plants. This section shall also not apply to Miniature African Pigs or Pot-Bellied Pigs kept as house pets. In the event that the animals are kept for the purpose of controlling kudzu or other invasive plants, the property owner must meet the requirements of Section 10-77(c).

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

(1) The animals shall be managed and monitored by a person who is a certified Goat Browsing Contractor or an appropriate contractor with equivalent certification, and who carries a minimum of One Million and 00/100 Dollars (\$1,000,000.00) of liability insurance.

(2) The owner of the property to be browsed by the animals shall obtain written permission from the owner of the property through which the animals must gain access to the area to be browsed by animals, at least ten (10) business days prior to beginning operation. The use of animals shall be accomplished in a non-threatening manner and shall be maintained so as not to infringe upon surrounding neighbors.

(3) The area to be browsed by animals shall be measured, staked, and appropriately fenced.

(4) The animals shall remain within a secure enclosure at all times. The animals may be moved to a separate holding pen at night, which shall be located at the maximum distance practicable from residences.

(5) The animals shall be used for controlling kudzu or other invasive plants only and shall be removed when seasonal control has been established.

(6) Property owners shall remove and properly dispose of droppings from cattle, goats, or sheep, as needed, to prevent accumulation, to avoid health or sanitation

problems, or the breeding of flies, and to prevent discharge into the stormwater system.

(7) The use of animals to control kudzu or other invasive plants shall be accomplished in such a way as to not create erosion. Reasonable care must be taken to prevent stormwater run-off or creating water quality issues.

(8) Any private landowner who uses animals to control kudzu shall obtain a permit from the City Manager or his designee after review by the City's Agent and/or the Agent's Animal Center. The permit fee shall be Fifty and 00/100 (\$50.00) Dollars and shall be valid for one growing season (April 1st through October 31st) and as long as the permit holder remains in compliance with this ordinance. Any such permit may be revoked by the City Manager or by the Director of Public Works upon satisfactory evidence that the requirements of Section 10-77(c) are not being complied with by the property owner or the contractor.

(9) Once a permit is obtained by the landowner, the landowner will be given the list of Certified Goat Browsing Contractors. The landowner must contract with one of the lists of Certified Goat Browsing Contractors or with an approved contractor with equivalent certification. All goat browsing or equivalent contractors shall have a current City business license.

(10) An inspection shall be conducted before the permit is approved. Another inspection shall be conducted before animals are placed on the property to ensure proper fencing has been established. Interim inspections may be conducted to determine if the contractor is complying with Section 10-77(c). A final inspection will be required after the browsing project is complete to ensure that the animals are removed from the site and any temporary fencing is dismantled.

Section 10-78. Horses and mules prohibited on sidewalks.

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

Section 10-79. Livestock at large prohibited.

It shall be unlawful for any person owning or controlling any bovine, swine, ratites, cattle, horses, mules, sheep, or goats to allow such animals to run at large in the streets or on any privately owned land in the City without the permission of the owner of such land. State (T.C.A. § 44-8-401) and except as otherwise expressly permitted in the City of Red Bank and by this Ordinance.

Section 10-80. Dangerous, mischievous animals at large prohibited.

It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such animal to run at large in the City.

Section 10-81. Fowl running at large, trespassing prohibited.

It shall be unlawful for the owner of any chicken or other fowl to permit it to run at large or upon the premises of any other person in the City.

Section 10-82. 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 is declared by qualified authorities to be creating a public nuisance and the City Manager or his designee 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, the Animal Services Agent, or humane societies are unable to find a satisfactory alternative. Legally permitted hunting through the State of Tennessee is expressly exempted from this provision.

ARTICLE IX. DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

Section 10-83. Findings.

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

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

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

Section 10-84. Citation for Designation of Dangerous Dog or Potentially Dangerous Dog; Hearing; Designation of Dangerous Dog or Potentially Dangerous Dog; Imposition of Conditions; No Change of Ownership Pending Hearing.

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

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

(i) has, without provocation, chased or approached a person in either a menacing fashion or an apparent attitude of attack while that dog was off the property of its owner; or

(ii) Has, without provocation, attempted to attack or has attacked a person or domestic animal while on or off the property of its owner; or

(iii) Has engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury while off the property of its owner; or

(iv) Has when unprovoked while on or off the property of its owner, bitten a person or a domestic animal causing a minor injury.

(v) Or has engaged in other comparable conduct.

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

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

(ii) Has, without provocation, attempted to attack or has attacked a person or domestic animal on two (2) or more occasions within the prior 18-month period; or

(iii) Has within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or Has when unprovoked while off the property of its owner, bitten a

(iv) Has, without provocation, while off the property of its owner, bitten a person or a domestic animal causing a severe injury or death; or

(v) Has previously been declared a potentially dangerous dog but has not been kept in compliance with any restrictions placed by the City Court judge upon the owner of such dog; or

(vi) Has been owned, possessed, kept, used, or trained in violation of Tennessee Code Annotated § 39-14-203; or

(vii) Has engaged in other comparable conduct.

(d) No dog may be declared potentially dangerous or dangerous as a result of injury or damage if at the time of the injury or damage the victim of the injury or damage (i) was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog; (ii) was provoking, teasing, tormenting, abusing or assaulting the dog, or (iii) was committing or attempting to commit a crime. No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending itself or a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared potentially dangerous or

dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

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

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

(g) It shall be unlawful for any person who has been served with a citation to appear in a City Court for the purpose of determining whether such person's dog should be designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog until after the City Court has issued a ruling on such a citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog to another person without (1) having advised such other person that the dog has been designated as a potentially dangerous dog or dangerous dog, (2) having advised such other person in writing of the restrictions that have been placed upon such dog, and (3) having advised the Agent and provided them complete and accurate information about the animal's new ownership, including email and phone contact information, and place of residence.

#### Section 10-85. Notice of Designation.

Within ten (10) working days after a hearing conducted pursuant to this Article, the owner or keeper of the dog, if absent from the hearing, shall be notified by the City Court in writing of the decision of the Court and of any restrictions imposed upon the respondent, either personally through MAC or by first-class mail, postage prepaid. If a dog is declared to be potentially dangerous or dangerous, the owner or keeper shall comply with all restrictions imposed by this article and by the City Court.

#### Section 10-86. Impoundment and Abatement of Potentially Dangerous Dog or Dangerous Dog.

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

(b) The City's Agent, any Animal Protection Officer and/or any Police Officer may impound any potentially dangerous dog or dangerous dog if the Animal Protection Officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being

followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a potentially dangerous dog or dangerous dog shall surrender such a dog to any Animal Services or law enforcement officer upon demand. In the event such a dog is impounded, the Animal Protection Officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(c) If a dog has been impounded pursuant to subsection (a) or subsection (b), the City's Agent may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety. Notwithstanding any other provision of this chapter, the daily boarding fee for a dog impounded pursuant to subsection (a) or subsection (b) shall be ten dollars (\$10.00).

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

#### Section 10-87. Possession Unlawful Without Proper Restraint; Failure to Comply With Mandatory Restrictions.

It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such dog as a potentially dangerous dog or a dangerous dog.

#### Title 10, Chapter 88. Mandatory Restrictions on Potentially Dangerous Dogs.

Once the dog is designated as a potentially dangerous dog by the Red Bank City Court and/or by the Chattanooga City Court and/or by any other local or non-local court of competent jurisdiction, the following shall be restrictions are mandatory upon the owner or custodian of such dog:

(a) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;

(b) The owner must allow inspection of the dog and its enclosure by the City's Agent and/or person or entity authorized pursuant to Section 10-8 and or 10-9 of this Ordinance, and must produce, upon demand, proof of compliance with such restrictions;

(c) The dog shall wear a collar and/or tag that visually identifies the dog as being potentially dangerous (purchased through the City's Agent);

(d) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the City's Agent's Animal Center, to keep the dog on certain specified premises from the landlord or property owner;

(e) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the City's Agent's Animal Center; and

(f) The owner and dog must attend and successfully complete an American Kennel Club sponsored and authorized canine good citizenship course and test within a time specified by the Court;

(g) The dog must be spayed or neutered at the owner's expense; and

(h) An identification microchip must be implanted in the dog, with the serial number of the microchip supplied by the City's Agent.

(i) The dog may not be present in boarding kennels, stores, dog parks, or other public places.

The Court may impose additional restrictions that the Court deems necessary.

#### Section 10-89. Mandatory Restrictions on Dangerous Dogs.

a) If the dog is designated as a dangerous dog by the Red Bank City Court and/or by the Chattanooga City Court or any other local or non-local court of competent jurisdiction, the owner or custodian of such dog shall comply with the following restrictions:

(1) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five feet from the outer fence;

(2) The owner must allow inspection of the dog and its enclosure by the City's Agent and must produce, upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the City Court;

(3) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the City's Agent, to keep the dog on certain specified premises from the landlord or property owner;

(4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the City's Agent 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 places on or within which such dog is kept; The cost of the sign shall be the sole responsibility of the dog owner;



(6) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;

(7) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;

(8) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure;

(9) Such dog shall be photographed by the City's Agent for future identification purposes;

(10) Neutering or spaying of the dog;

(11) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the City's Agent ;

(12) Requiring the owner of the animal or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance;

(13) Maintaining and updating annually a record maintained with the City's Agent that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photo of the animal and any other information deemed necessary by the City's Agent;

(14) Samples preserved for possible DNA identification which must be delivered to the City's Agent;

(15) The wearing of a collar and/or tag that visually identifies the dog as being dangerous (purchased through the City's Agent);

(16) Notification in writing to the City's Agent of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the City or outside the City and/or to transfer ownership of the dog; and

(17) Any other reasonable requirement specified by the City Court or any other local or non-local court of competent jurisdiction.

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

#### Section 10-90. Removal of Designation of Potentially Dangerous Dog.

If there are no additional instances of the behavior described in Sec. 10-84 within 18 months of the date of designation as a potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be,

removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to the City's Agent that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the City's Agent may petition the City Court to remove such designation.

Section 10-91. Change of Ownership, Custody Or Location Of Dog: Death of Dog.

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

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

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

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

(e) The following persons must notify the City's Agent when relocating a dog to Red Bank, even on a temporary basis:

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

No such designation as a dangerous dog or potentially dangerous dog or any similar such designation shall be recognized by the City of Red Bank if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter.

Section 10-92. Unlawful use of a dog.

(a) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

(b) Upon a finding of violation, the city court upon request shall order the dog forfeited and/or destroyed.

## ARTICLE X. GUARD DOGS.

### Section 10-93. Guard Dog Purveyor; License; Fees.

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

(b) The fee for such license shall be seventy five dollars (\$75.00) per year, to be renewed annually.

### Section 10-94. Guard Dog Purveyor; License; Application; Contents.

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

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

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

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

### Section 10-95. Guard Dog Trainer; License; Application; Contents.

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

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

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

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

(d) The fee for such license shall be fifty dollars (\$50.00) per year, to be renewed annually.

Section 10-96. Guard Dog; Registration; Annual Fee; Other Requirements.

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

(1) A legal description or business address of the premises which the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;