

Chapter 7

ANIMALS AND FOWL¹

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ARTICLE I. ANIMAL SERVICES DIVISION

Sec. 7-1. Division of Animal Services created; duties; powers.

(a) The Division of Animal Services is hereby created in the Police Department. (Ord. No. 11581, §16, 07-06-04; Ord. No. 11728, § 15, 8-16-05)

(b) The duties of the Animal Services Division shall include the following:

- (1) To provide essential animal services to the residents of Chattanooga through the enforcement of animal-related codes as stated in the Tennessee Code and City Code;
- (2) To license animals;
- (3) To provide animal safety and educational programs;
- (4) To attempt to resolve animal-related problems by education or advice;
- (5) To provide emergency and rescue services for animals;
- (6) To cooperate with the county health director and assist in the enforcement of the laws of the City and state with regard to animals and especially with regard to the

¹ **Charter reference**--Authority to license and regulate animals and fowl, § 2.1(24).

Cross references--Health and sanitation, Ch. 20; pasturing, driving animals on park property restricted, § 26-6; animals at large or in ponds and fountains in parks, § 27-6.

State law reference--Animals generally, T.C.A. §§ 44-17-101 et seq.

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vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals;

(7) To investigate cruelty to or abuse of dogs, cats and other animals; and

(8) To maintain an animal shelter in accordance with the provisions of this chapter and the policies of the Animal Services Division either through contractual agreement or by direct supervision that will include, but not be limited to, sheltering of animals impounded under this Chapter, licensing of animals, quarantine of rabies-suspect animals and disposition of impounded animals by adoption, redemption or humane euthanasia.

(c) Officers of the Animal Services Division shall have power and duty to protect the animals taken into custody, whether in transit or at the Animal Shelter. Any Animal Services officer or police officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency and/or appears to be unable to physically remove itself from a situation that restricts its movement or interferes with the lawful right of citizens. The rescued animal shall be provided with immediate veterinary care if the officer deems such care to be necessary to prevent physical pain, suffering, disability or death of the animal. The animal's owner shall be responsible for all expenses incurred for the rescue and subsequent treatment of the animal.

(Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04)

Sec. 7-2. Definitions.

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

“*Animal*” means every living creature except human beings.

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

“*Animal Services*” or “*ASD*” means the Animal Services Division.

“*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 off the property of its owner and not under the restraint of a competent person.

“*Attack*” means attack by an animal off its owner's property in a vicious, terrorizing or

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threatening manner or in an apparent attitude of aggression; “attack” does not include any actions by an animal in defense of itself or its owner or keeper against aggression by a person or an animal.

“*Dangerous dog*” means any dog that has been designated as such by the City Court of the City of Chattanooga.

“*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, including, but not be limited to, wolf/dog crossbreeds and wolf hybrids.

“*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.

“*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 both the 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.

“*Impoundment*” means the placement of an animal in the custody of the Animal Services Division or an animal shelter.

(“*Kennel*” repealed) (Ord. No. 11760, § 2, 10-15-05)

“*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.

“*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 animal that causes a public nuisance.

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“*Neglect*” means any of the following:

- (1) Failing to provide an animal with adequate food or drinkable water at suitable intervals sufficient to maintain the animal’s health and well-being;
- (2) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, disability or death to the animal;
- (3) Keeping any animal under conditions which increase the probability of the transmission of disease; or
- (4) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.), physical suffering, or impairment of health, and which is large enough to allow the animal to make normal body movements.

“*Owner*” means any person, corporation, organization, group of persons or association that (i) has a property right in an animal, (ii) keeps or harbors an 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 or any non-profit animal welfare agency that operates an animal sheltering facility.

“*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. (Ord. No. 11760, § 3, 10-25-05)

“*Potentially dangerous dog*” means any dog that has been designated as such by the City Court of the City of Chattanooga.

“*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.

“*Proper enclosure*” means a place in which a dog 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 dog from escaping. Such enclosure shall have secure sides and a secure top to prevent the dog from escaping and shall also provide protection for the dog from the elements. The enclosure shall be of suitable size for the dog.

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

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

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

- (1) damage, soil or defile community or neighborhood private property or public property;
- (2) interfere with the ordinary use and enjoyment of a person’s property;
- (3) turn over garbage containers or damage flower or vegetable gardens;
- (4) cause unsanitary or offensive conditions; or
- (5) impede the safety of pedestrians, bicyclists, or motorists.

“*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 or death on the part of the victim.

“*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. (Ord. No. 11760, § 4, 10-25-05)

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

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

[Formerly Sec. 7-41; Ord. No. 11299, §5, 07-30-02; Former Sec. 7-2 was incorporated into Sec. 7-1]

(Ord. No. 11651, § 1, 12-14-04)

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

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An Animal Services officer or law enforcement officer may, upon viewing an animal at large and upon the animal's return to its legal property, impound such animal off its property for safe keeping if, in the opinion of the officer, (1) there is no way to ensure the animal's confinement to the property if the officer would leave it there to await the owner's return or 2) it could present a danger to the public, traffic or other animals if left until the owner returns. The impoundment fee shall be waived on the first such impound if the owner redeems within three (3) days. 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.

(Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04)

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

It shall be unlawful for any person to interfere with, hinder or molest officers of the Animal Services Division, 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 Division or Animal Shelter except as otherwise specifically provided herein.

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

Sec. 7-5. Care of impounded animals.

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

(Code 1986, § 7-27; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-6. Redemption by owner.

The owner of any animal confined in the Animal Shelter 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 Animal Shelter of his or her ownership of the animal.

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

Sec. 7-7. Disposition of fees and proceeds of sales collected by Animal Services Division.

All fees and proceeds of sale of animals shall be collected by the Animal Services Division and remitted to the City Treasurer unless otherwise provided by contract approved in advance by the City Council.

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

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Sec. 7-8. Animal Service Officers.

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

(Code 1986, § 7-36; Ord. No. 9654, § 70, 1-6-92; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11581, §16, 07-06-04; Ord. No. 11728, §15, 8-16-05)

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

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

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

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

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

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

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

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

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the Animal Services Division of the City of Chattanooga, Tennessee, except as provided in subsection (c) below.

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

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

(Code 1986, § 7-90; Ord. No. 10123, § 1, 10-18-94; Ord. No. 11058, § 1, 9-5-00)

Secs. 7-12 – 7-14. Reserved.

(Ord. No. 11058, § 1, 9-5-00)

ARTICLE II. IN GENERAL; IMPOUNDING

Sec. 7-15. Animals at large; animal waste disposal.

(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 upon the premises of another without permission of the property owner or other person in control of the property or upon any public street or sidewalk or other public property in the City. 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 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 will not be required 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.

(c) Estrous period. It shall be unlawful for any person owning or having 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

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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. 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.

(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.

(e) The owner or custodian of any animal shall be responsible for the removal of solid waste deposited by said animal on any property, public or private, other than the property of the owner or custodian, within the corporate city limits, including, but not limited to, streets, sidewalks, greenways, parks, and other public areas. Any violation of this section shall result in said animal being declared a nuisance and liable to seizure and disposal as provided in this Chapter and/or a penalty of up to \$50.00. This section shall not apply to guide dogs and other service animals.

(Code 1986, § 7-56; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11299, §1, 07-30-02; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12050, § 1, 11-27-07)

State law reference-T.C.A. §§ 44-8-408, et seq.

Sec. 7-16. 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. In such cases, and only in such cases, the owner or custodian must keep the animal that has been determined by the Animal Services Division to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the Animal Services Division director declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to abate the nuisance and/or to confine the animal in a secure enclosure when the animal is on the owner's or custodian's property and to restrain the animal by means of a leash, chain or other like device when the animal is off the owner's or custodian's property. It shall be unlawful for the animal's owner or custodian to fail to comply with the Animal Services Division manager's instruction.

(Ord. No. 11058, § 1, 9-5-00)

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Sec. 7-17. Keeping stray animals; failure to surrender stray animal.

It shall be unlawful for any person in the City to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to such person without permission of the owner unless such person has, within twenty-four (24) hours from the time such animal came into his or her possession, notified the Animal Services Division or Animal Shelter. Upon receiving such notice, an animal services officer shall take such animal and place it in the Animal Shelter or allow temporary custody not to exceed ten (10) days, during which time a notice containing a description of this animal, the date and place where the animal was found, and the name, address and telephone number of the temporary custodian shall be posted at the Animal Shelter. If such animal is not reclaimed during said ten (10) days, the custodian of the stray animal will relinquish the animal to the Animal Services Division or assume ownership, provided the custodian agrees to spay or neuter said animal and complies with licensing and vaccination requirements within fifteen (15) business days from the time the Animal Services Division receives first notification. The expense of license fee and rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the 10 days. No person harboring such an animal shall refuse to surrender such animal to its legal owner prior to the expiration of said ten (10) days.

(Ord. No. 11058, § 1, 9-5-00)

Sec. 7-18. Impounding, destruction of violating animals authorized.

(a) The Animal Services Division shall take up and impound any animal found running at large and/or in violation of this Chapter.

(b) If, in the attempt to seize an animal, it becomes impossible to do so with the hands, any Animal Services or police officer, being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies, may, at his or her discretion, tranquilize the animal or a police officer may dispose of the animal by shooting it.

(c) If any animal so impounded is found to be sick, injured or vicious, the animal may be immediately destroyed in a humane manner as provided in Section 7-28.

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

Sec. 7-19. Care while in custody.

The Animal Shelter shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping 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.

(Code 1986, § 7-62; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

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Sec. 7-20. Notification of impounding.

Immediately upon impounding an animal, the Animal Services Division or its designee shall give notice by postcard or letter sent 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. This section shall not apply to owner-surrendered, abandoned or quarantined animals or wildlife.

(Code 1986, § 7-63; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11-58, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04)

Sec. 7-21. Redemption of impounded animals by owner; fees.

(a) The owner of a dog or cat may claim and redeem it upon payment of the license fee required by this Chapter and an impound fee of twenty dollars (\$20.00) plus board for each day such dog or cat has been kept at the Animal Shelter at the rate of seven dollars and 50 cents (\$7.50) 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 seven dollars and 50 cents (\$7.50) per day as set out above. All veterinarian costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and subject to payment in full prior to the release of the animal.

(b) The owner of livestock may claim and redeem such animal by paying the Animal Shelter an impound fee of fifty dollars (\$50.00) and board for each day at the rate of ten dollars (\$10.00) per day plus the cost of any transportation of the animal to the Shelter. Such costs as well as all veterinarian costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and subject to payment in full prior to the release of the animal.

(Ord. No. 11398, §1, 02-25-03)

Sec. 7-22. Disposition of unclaimed dogs or cats.

Any currently licensed dog or cat impounded shall be kept for a period of ten (10) days after notice is mailed to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of. Any unlicensed dog or cat impounded shall be kept for five (5) business days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of.

(Code 1986, § 7-66; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-23. Detention when rabies suspected.

Every animal determined by the Health Director to pose a risk of rabies and every animal that has bitten a human and/or been exposed to rabies or is suspected of having rabies shall be, at the direction of the Director of Health, quarantined for a minimum period of ten (10) days at the

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owner's home or at the Animal Shelter or, at the option of the owner of such animal, shall be detained in a reputable 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 Animal Shelter after the termination of the observation period according to instructions from the director of health. The director of health may order the Animal Shelter 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 Animal Shelter.

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

State law reference-T.C.A. §§ 68-8-101—68-8-115.

Sec. 7-24. 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 animal shelter, dog pound, animal control agency, humane shelter or private organization operating a shelter from which animals are adopted or reclaimed, unless:

- (1) the dog or cat has first been spayed or neutered; or
- (2) the new owner signs a written agreement with the agency stating that he or she will have the animal spayed/neutered within thirty (30) days after adoption of such animal if the animal is at least six (6) months of age or to be done by the age of six (6) months.

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

(b) All dogs and cats adopted from the Animal Shelter shall be vaccinated against rabies prior to adoption, provided that if the dog or cat is less than three 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 three months of age. In the alternative, a person adopting a dog or cat may prepay the cost of such vaccination at the Animal Shelter; such person must obtain the

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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.

(c) Except for dogs and cats for which the owner can provide proof of vaccination, all dogs and cats redeemed from the Animal Shelter shall be vaccinated against rabies prior to redemption, provided that if the dog or cat is less than three months old a deposit of not less than twenty-five dollars (\$25.00) shall be collected from the person redeeming the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching three months of age. In the alternative, a person redeeming a dog or cat may be offered the option to prepay the cost of such vaccination at the Animal Shelter; such person must obtain the vaccination within fifteen (15) days of the redemption 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.

(Ord. No. 11058, § 1, 9-5-00)

Sec. 7-25. Immediate placement for adoption or destruction of animal surrendered by owner.

An animal surrendered by its owner to the Animal Services Division or Animal Shelter may be immediately placed for adoption or humanely destroyed in the discretion of the Animal Services Division 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, Animal Shelter and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and
- (iii) Transfers ownership of said animal to the City.

(Ord. No. 11058, § 1, 9-5-00)

Sec. 7-26. Notice of seizure of animal.

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

(Ord. No. 11058, § 1, 9-5-00)

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

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(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 to reproduce an animal with a disease contagious to other animals or human beings.

(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, animal shelter or private property.

(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.
(Ord. No. 11058, § 1, 9-5-00)

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

(a) It shall be the duty of the Animal Services Manager or executive director of the Animal Shelter to order the humane destruction of any animal lawfully taken into the custody of the Animal Services Division if a veterinarian, duly and currently licensed in the State of Tennessee, deems it 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 of Humane Educational Society or Manager of Animal Services Division may issue either a verbal authorization followed by written confirmation or written authorization for such humane destruction.
(Code 1986, § 7-61; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-29. Exemption from Chapter.

This chapter does not apply to certified and trained dogs owned and utilized by any law enforcement agency during work-related activities.
(Ord. No. 11299, §2, 07-30-02)

Secs. 7-30. Reserved.

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

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

(a) The owner of every dog and cat over the age of three (3) months in the City shall obtain a license for such dog or cat from the Animal Services Division or Animal Shelter. The license or renewal thereof shall state the sex, breed, age, color and name of the dog or cat, together with its markings, if any, the name and address of the owner and the date of registration. Such registration license may be effective for one (1) or three (3) years from the date of issuance. Owners of dogs or cats who have failed to obtain a license for their animals and owners of dogs or cats who have failed to renew the license of their animals within thirty (30) days of the expiration of any prior license shall be deemed delinquent and shall, effective January 1, 2001, be subject to an additional late fee of ten dollars (\$10.00) per dog or cat in addition to the regular license fee and in addition to any fines imposed upon such owners by a court of competent jurisdiction.

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

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

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

(Ord. No. 11760, § 5, 10-25-05)

c) The Animal Shelter shall issue a metal license tag for each dog or cat registered as provided herein, marked "Registered, [date], Chattanooga, No. ---." Such tag shall be fastened to the dog's or cat's collar and worn by the dog or cat at all times. 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. [Formerly Sec. 7-32; Code 1986, § 7-54; Ord. No. 9993, § 1, 1-25-94; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11299, §3, 07-30-02]

(Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04)

Sec. 7-32. License fees.

(a) Subject to the provisions of subsection (b) below, the annual license fee for dogs and/or cats shall be five dollars (\$5.00) each; provided, that a surcharge of an additional twenty dollars (\$20.00) shall be levied against all dogs and cats which are not neutered. The license can be issued for one (1) year, two (2) years or three (3) years as long as it runs concurrent with a legal rabies vaccination. Licenses for animals owned by senior citizens over age sixty-five (65) that are neutered or for animals unable to reproduce (as certified by a licensed veterinarian) shall be free as long as current on rabies vaccinations. The Animal Shelter is authorized to charge a

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fee of three dollars (\$3.00) for each lost tag replaced. [Formerly Sec. 7-33]
(Ord. No. 11299, §4, 07-30-02; Ord. No. 11398, §2, 02-25-03; Ord. No. 11651, § 1, 12-14-04)

(b) The annual license fee for a potentially dangerous dog shall be fifty dollars (\$50.00) each; provided, that a surcharge of an additional twenty-five dollars (\$25.00) shall be levied against all such dogs which are not spayed or neutered. The annual license fee for a dangerous dog shall be one hundred fifty dollars (\$150.00) each. The licenses for potentially dangerous dogs and dangerous dogs must be renewed each year. The license fees set forth in this subsection (b) apply to all potentially dangerous dogs and dangerous dogs regardless of ownership.

(Ord. No. 11299, §4, 07-30-02; Ord. No. 11651, §, 12-14-04)

(c) The licenses and taxes collected pursuant to this Article shall be used by the City Animal Services Division or its designated agent for the purposes set forth in this Chapter or otherwise provided by contract. The surcharge for unneutered dogs and cats shall be used exclusively in the spay and neuter program of the Animal Services Division and/or its designated agent. [Formerly Sec. 7-34; Ord. No. 11058, § 1, 9-5-00]

(Ord. No. 11651, §, 12-14-04)

Sec. 7-33. Multiple-pet, dealer, and breeder 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 Animal Services.

(1) 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.

(2) Any person operating a rescue organization or shelter must register with Animal Services, 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.

(b) Any pet dealer, as defined in this chapter, must apply for and receive a pet dealer permit from Animal Services.

(c) Any person who owns or has control of a dog or cat and who intentionally or accidentally causes or allows the breeding of such dog or cat more than once a year shall obtain a breeder's permit.

(d) 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 for a period of three (3) years after the time of the last violation.

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

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Sec. 7-34. Permits, generally.

(a) The permits in Sec. 7-33 will be valid for one year and will be in addition to any other licenses or permits required by this chapter.

(b) Said permits shall be:

(i) Multiple-Pet Permit: fifty dollars (\$50.00) per year

(ii) Pet Dealer Permit: three hundred dollars (\$300.00) per year

(iii) Breeder Permit: two hundred fifty dollars (\$250.00) per year, except that such fee may be waived upon the spaying of the animal bred.

(iv) Rescue Organization registration: no fee

(c) The administrator of Animal Services shall possess the authority to establish minimum standards for the facilities or quarters where animals are kept.

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

(Ord. No. 11760, § 7, 10-25-05)

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

(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.

(g) 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 Animal Services upon request.

(Ord. No. 11651, § 1, 12-14-04; Ord. No. 11760, § 7, 10-25-05)

Secs. 7-35 – 7-40. Reserved.

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

(Ord. No. 11651, §, 12-14-04)

ARTICLE IV. CRUELTY

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Sec. 7-41. Neglect of animals, generally.

It shall be unlawful for any person in the City to neglect any animal as defined in this Chapter.

(Code 1986, § 7-82; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 11760, § 8, 10-25-05; Ord. No. 12056, § 1, 12-18-07)

Sec. 7-42. 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 a sufficient quantity of good and wholesome food and water. If any animal is at any time impounded as provided herein, and continues to be without necessary food and water for more than twelve (12) successive hours, 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. [Formerly Sec. 7-43] [Former Sec. 7-42 Repealed]

(Code 1986, § 7-84; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12056, § 1, 12-18-07)

Sec. 7-43. Transporting in inhumane manner.

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. [Formerly Sec. 7-44]

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

Sec. 7-44. Authority to prevent acts of cruelty; unlawful interference.

Any Animal Services Officer or police officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer, agent or member in the discharge of such duty. [Formerly Sec. 7-45]

(Code 1986, § 7-87; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12056, § 2, 12-18-07)

Sec. 7-45. Sale, barter or giving away of baby chickens, ducklings, other fowl or baby rabbits.

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It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter or give away baby chickens, ducklings, or other fowl under three (3) weeks of age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, fowl or rabbits, or to bring or transport the same into the City, provided that, this shall not be construed to prohibit the sale or display of such baby chickens, ducklings, fowl or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for the purpose of commercial breeding or raising. [Formerly Sec. 7-46]

(Code 1986, § 7-89; Ord. No. 11058, § 1, 9-5-00; Ord. No. 11651, § 1, 12-14-04; Ord. No. 12056, § 2, 12-18-07)

Secs. 7-46 – 7-50. Reserved.

ARTICLE V. DEAD ANIMALS

Sec. 7-51. Disposition of large animals in City prohibited; exception.

It shall be unlawful for any person to bury any large dead animal in the City or within one (1) mile of the corporate limits or to deposit the same upon the surface of the ground or throw it into any river, creek or other stream or any well, cistern, cellar or other excavation or to hide it in any culvert or other place or in any way to leave or dispose of it in the City or within one (1) mile of the corporate limits; provided that, the Animal Services Manager or his or her designee may issue a permit for the disposal of large dead animals, under such regulations as the 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.

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

Sec. 7-52. When owner or occupant to remove large animal from premises.

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

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

Sec. 7-53. 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.

(Code 1986, § 7-103; Ord. No. 9654, § 72, 1-6-92; Ord. No. 11058, § 1, 9-5-00)

Secs. 7-54 --7-60. Reserved.

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(Ord. No. 11058, § 1, 9-5-00)

ARTICLE VI. TRAPPING ANIMALS

Sec. 7-61. Definition.

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

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

Sec. 7-62. Permit required; exceptions.

It shall be unlawful for any person to trap wildlife unless the person so trapping possesses a permit prescribed by this Article, said permit to be on the person of the trapper while trapping; provided, however, that, this section shall not apply to the children under eighteen (18) years of age of a licensed trapper while they are assisting him in his presence; and provided further that this section shall not apply to any person trapping upon such person's own property.

(Code 1986, § 7-122; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-63. Same-Issuance conditions.

Permits for trapping may be obtained from the office of the Animal Services Division and shall be issued subject to the following conditions:

- (1) An applicant for a permit must be at least eighteen (18) years of age;
- (2) An applicant for a permit must pay a permit fee of five dollars (\$5.00);
- (3) A permit shall be issued for a term of one (1) year;
- (4) All applicants for permits must agree to remunerate any person injured or whose domestic animals are injured for all medical bills and/or veterinarian fees incurred by such persons by reason of a permittee's trapping activities;
- (5) All applicants for permits must post a bond of five thousand dollars (\$5,000.00) from which claims of persons who are injured or whose domestic animals are injured may be compensated or must post an insurance policy covering such

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claims with minimum limits of twenty-five thousand dollars (\$25,000.00) per person;

- (6) No permit shall issue to any person who has been convicted within the previous year of any violation of this Chapter; and
- (7) All applicants for a permit must, at the time of the application, sufficiently demonstrate the manner in which they will comply with Section 7-64(5) so as to assure legibility of the owners' names on their traps.

(Code 1986, § 7-123; Ord. No. 9654, § 73, 1-6-92; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-64. Regulations.

It shall be unlawful for any person, except as herein provided, to set or place any trap or snare or bait the same, upon the lands of or in the waters adjoining the lands of any person for the purpose of catching or killing any wild animal upon the lands of another except during the open season on such animals, and then only after such person has obtained the written consent of the owner of the lands, which written consent shall be upon the person who may be using or setting said devices; provided that nets, spring poles and deadfalls shall be prohibited at all times and all places.

- (1) Steel traps placed about a hole, cave or den, or about a hollow stump or any like place, shall be placed twelve (12) or more inches within the entrance thereof, and it shall be unlawful to place steel traps in the open, except for water-sets.
- (2) All traps shall be inspected within each thirty-six (36) hours and any animal or fowl caught therein shall be removed.
- (3) Persons trapping upon the lands of another shall at once make the owner of the lands a full written report of the head of stock, fowl or dog caught in the steel trap or other trapping device set by such person, giving the date such fowl, stock or dog was caught, with a full description thereof.
- (4) No steel trap larger than a number two (2) trap may be set by any trapper without the express consent of the Mayor of the City, which larger trap shall only be authorized by a showing that the public safety requires the use of such a larger trap.
- (5) All traps set or used for the purpose of taking any wild animals shall be stamped with or have affixed on a metal tag the owner's name in such manner that the same shall be legible at all times.

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

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Sec. 7-65. Exception as to certain vermin.

Nothing in this Article shall be deemed to apply to setting traps for vermin in any house or other building.

(Code 1986, § 7-125; Ord. No. 11058, § 1, 9-5-00)

Sec. 7-66. Penalty.

Any violation of the provisions of this Article shall be punishable by a fine, and the permit of any trapper convicted of a violation of this Article shall be automatically revoked by the City Court Judge upon a finding of such violation.

(Code 1986, § 7-126; Ord. No. 11058, § 1, 9-5-00)

Secs. 7-67 – 7-70. Reserved.

(Ord. No. 11058, § 1, 9-5-00)

ARTICLE VII. MISCELLANEOUS

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

Whenever any large animal of any kind or any livestock is found which is required to be impounded, the Animal Services Division 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 Animal Shelter or Animal Services Division. The records of such large animals must be available to the public during normal Animal Shelter hours.

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

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

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

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

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

Unclaimed large animals or livestock not sold as provided in Section 7-72 may be adopted by persons other than their owners upon payment of all accrued fees, and if not so adopted, may be humanely destroyed by the Animal Service Division or otherwise disposed of. (Code 1986, § 7-33; Ord. No. 11058, § 1, 9-5-00)

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

(a) It shall be unlawful for any person to keep or possess swine, goats, chickens or roosters within the City on property other than agriculturally zoned land, unless such animals are kept on a tract of land containing five (5) or more contiguous acres. Any such animals must be kept or maintained in a manner which does not constitute a nuisance, including foul or offensive odors. Any person keeping chickens and/or roosters on a tract of land containing two (2) or more contiguous acres prior to December 1, 2005, shall be permitted to continue, provided that such use is not discontinued for thirty (30) or more continuous days.

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

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

- (1) The animals shall be managed and monitored by a person who is a certified Goat Browsing Contractor or an appropriate contractor with equivalent certification, and who carries a minimum of One Million and 00/100 Dollars (\$1,000,000.00) of liability insurance.
- (2) The owner of the property to be browsed by the animals shall obtain written permission from the owner of the property through which the animals must gain access to the area to be browsed by animals, at least ten (10) business days prior to beginning operation. The use of animals shall be accomplished in a non-threatening manner, and shall be maintained so as not to infringe upon surrounding neighbors.

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- (3) The area to be browsed by animals shall be measured, staked, and appropriately fenced.
- (4) The animals shall remain within a secure enclosure at all times. The animals may be moved to a separate holding pen at night, which shall be located the maximum distance practicable from residences.
- (5) The animals shall be used for controlling kudzu or other invasive plants only and shall be removed when seasonal control has been established.
- (6) Property owners shall remove and properly dispose of droppings from cattle, goats, or sheep, as needed, to prevent accumulation, to avoid a health or sanitation problems, or the breeding of flies, and to prevent discharge into the storm water system.
- (7) The use of animals to control kudzu or other invasive plants shall be accomplished in such a way as to not create erosion. Reasonable care must be taken to prevent storm water run-off or in creating water quality issues.
- (8) Any private landowner who uses animals to control kudzu shall obtain a permit from the City of Chattanooga Land Development Office. The permit fee shall be Fifty and 00/100 (\$50.00) Dollars and shall be valid for one growing season (April 1st through October 31st) and as long as the permit holder remains in compliance with this ordinance. Any such permit may be revoked by the head of Public Works upon satisfactory evidence that the requirements of Section 7-74(c) are not being complied with by the property owner or the contractor.
- (9) Once a permit is obtained by the landowner, the landowner will be given the list of Certified Goat Browsing Contractors. The landowner must contract with one of the list of Certified Goat Browsing Contractors or with an approved contractor with equivalent certification. All goat browsing or equivalent contractors shall have a current City business license.
- (10) An inspection shall be conducted before the permit is approved. Another inspection shall be conducted before animals are placed on the property to ensure proper fencing has been established. Interim inspections may be conducted to determine if the contractor is complying with Section 7-74(c). A final inspection will be required after the browsing project is complete to ensure that the animals are removed from the site and any temporary fencing is dismantled.

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

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

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

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

Sec. 7-76. Livestock at large prohibited.

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

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

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

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

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

(Code 1986, § 7-4; Ord. No. 11058, § 1, 9-5-00)

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

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

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

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

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

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

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

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

ARTICLE VIII. DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

Sec. 7-81. Findings.

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

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

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

(Ord. No. 11299, §6, 07-30-02)

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

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

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

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

(ii) has attempted to attack or has attacked a person or domestic animal within the prior 18-month period; or

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

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

(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 (2) or more occasions within the prior 18-month period, chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

(ii) has attempted to attack or has attacked a person or domestic animal on two (2) or more occasions within the prior 18-month period; or

(iii) has, on two (2) or more occasions within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or

(iv) has, when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or

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

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

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

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was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

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

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

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

Sec. 7-83. Notice of Designation.

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

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

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

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

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

(Ord. No. 11398, §3, 02-25-03)

(d) No dog that has been designated by the Court as a dangerous dog or potentially dangerous dog may be released by the Animal Shelter or a veterinarian until the owner has paid all veterinarian costs and all other fees and costs of the Animal Shelter 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 ASD. Euthanasia or surrender to ASD or the Animal Shelter of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of the euthanasia or surrender.

(Ord. No. 11299, §6, 07-30-02)

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

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

(Ord. No. 11299, §6, 07-30-02)

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

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

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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 ASD and must produce, upon demand, proof of compliance with such restrictions;
- (c) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the ASD, to keep the dog on certain specified premises from the landlord or property owner;
- (d) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the ASD; and
- (e) The owner and dog must attend and successfully complete an American Kennel Club canine good citizenship course and test within a time specified by the Court.

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

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

- (a) If the dog is designated as a dangerous dog by the Chattanooga City Court, the owner or custodian of such dog shall comply with the following restrictions:
 - (1) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five feet from the outer fence;
 - (2) The owner must allow inspection of the dog and its enclosure by the ASD 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 ASD, to keep the dog on certain specified premises from the landlord or property owner;

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- (4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the ASD that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior;
- (5) A sign, available exclusively from ASD, the cost of which shall be included in the annual fee for a dangerous dog, having reflective letters and backing with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading “Beware of Dangerous Dog” shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept;
- (6) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;
- (7) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;
- (8) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure;
- (9) Such dog shall be photographed by the ASD 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 ASD;
- (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 ASD 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 ASD;
- (14) Samples preserved for possible DNA identification which must be delivered to ASD;
- (15) The wearing of a collar and/or tag that visually identifies the dog as being dangerous (purchased through the ASD);

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

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

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

(Ord. No. 11299, §6, 07-30-02)

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

If there are no additional instances of the behavior described in Sec. 7-82(b) within 18 months of the date of designation as a potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to the ASD 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 ASD may petition the City Court to remove such designation.

(Ord. No. 11299, §6, 07-30-02)

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

(a) The owner or custodian of a dangerous dog or potentially dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen days prior to the actual transfer or removal of the dog, notify ASD 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 ASD 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. ASD 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 ASD no later than twenty-four (24) hours thereafter and, upon request, from ASD shall produce the animal for verification or evidence of the dog's death that is satisfactory to ASD.

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(d) If a dangerous dog or potentially dangerous dog escapes, the owner or custodian shall immediately notify ASD 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 ASD when relocating a dog to Chattanooga, even on a temporary basis:

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

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

ARTICLE IX. GUARD DOGS.

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

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

(b) The fee for such license shall be two hundred fifty dollars (\$250.00) per year, to be renewed annually. (Ord. No. 11299, §6, 07-30-02)

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

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the ASD. Such application shall be filed with the ASD 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;

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(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 ASD in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee to the City of Chattanooga prior to the animal performing guard dog functions.
(Ord. No. 11299, §6, 07-30-02)

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

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

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

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

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

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

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

(a) All persons using dogs as guard dogs shall register the dogs with the ASD. Said registrations shall be valid for one year and must be renewed annually. The ASD 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 ASD and shall include the following:

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- (1) A legal description or business address of the premises which the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;
 - (2) A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration;
 - (3) A description of the guard dog for purposes of identification;
 - (4) Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities;
 - (5) Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting said premises and persons from unauthorized intrusion. Said acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and
 - (6) Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to insure the safety of the public and the welfare of the animal.
- (b) The fee for registering a guard dog shall be seventy-five dollars (\$75.00) per year, to be renewed annually.
- (c) All registered guard dogs shall be implanted with an identifying microchip as directed by the ASD.
- (d) All registered guard dogs shall wear a specific dog tag as directed by the ASD.
- (e) The owner of any property on which a guard dog is located shall post signs in conspicuous places at all entrances to such property with reflective letters a minimum of two inches and a maximum of ten inches in height stating "Beware of Guard Dog on the Property". Such sign shall also have a telephone number for law enforcement officers or firefighting personnel to call in an emergency situation or other situation in which the dog owner's or handler's presence is required.
- (Ord. No. 11299, §6, 07-30-02)

Sec. 7-95. Inspections.

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

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-96. Limitations.

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

(Ord. No. 11299, §6, 07-30-02)

Secs. 7-97 - 7-100 Reserved.

(Ord. No. 11299, §6, 07-30-02)

ARTICLE X. MISCELLANEOUS.

Sec. 7-101. Severability.

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

(Ord. No. 11299, §6, 07-30-02)

Sec. 7-102. Other Laws Not Affected.

Nothing in this chapter shall affect the authority of any law enforcement officer to respond appropriately to any situation in which there is an imminent threat by an animal to the safety of any person. This chapter shall not prohibit the seizure or impoundment of dogs as evidence as provided for under any other provision of law, nor shall any other laws, whether local or state, be affected by this chapter.

(Ord. No. 11299, §6, 07-30-02)