First Reading:_____
Second Reading:_____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, RELATIVE TO ANIMALS AND FOWL TO REFERENCE "THE ANIMAL CENTER" AND TO AMEND CHATTANOOGA CITY CODE, CHAPTER 7, RELATIVE TO ANIMAL PERMITS BY CREATING NEW PROVISIONS FOR DEALER PERMITS, KENNEL PERMITS, ANIMAL PERFORMANCE PERMITS, ANIMAL RESCUE PERMITS, URBAN CHICKEN PERMITS, AND DOGS IN OUTDOOR DINING AREAS PERMITS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 7, be and the same is hereby amended by deleting the words "**McKamey Animal Care and Adoption Center** or **McKamey**" in its entirety in Sections 7-1; 7-2; 7-3; 7-4; 7-6; 7-7; 7-17; 7-18; 7-22; 7-23; 7-35; 7-66; 7-68; 7-69; 7-70; 7-71; 7-72; 7-73; 7-80; 7-82; 7-83; 7-84; 7-85; 7-86; 7-87; 7-88; 7-98; 7-105; 7-106; 7-124; 7-131; 7-132; 7-133; 7-141; 7-154 or where otherwise referenced in this Chapter and substituting in lieu thereof the words "**the Animal Center**".

SECTION 2. That Section 7-1 of the Chattanooga City Code be amended to delete such section in its entirety and substitute in lieu thereof the following:

Sec. 7-1. The Animal Center; duties; powers.

(a) The Animal Center ("Animal Center") shall provide the following animal services for the City of Chattanooga.

(b) These services shall include the following:

(1) Providing essential animal services to the residents of Chattanooga through the enforcement of animal-related laws as stated in the Tennessee Code and the City Code;

(2) Licensing of animals;

(3) Providing animal safety and educational programs;

(4) Attempting to resolve animal-related problems by education or advice;

(5) Providing emergency and rescue services for animals;

(6) Cooperating with the Health Director and assisting in the enforcement of City and state laws with regard to companion animals and particularly with regard to the inoculation of dogs and cats against rabies and the confinement or leashing of vicious animals;

(7) Investigating cruelty to or neglect or abuse of companion animals; and

(8) Maintaining an animal shelter in accordance with the provisions of this chapter that includes, but is not limited to, sheltering of animals impounded under this chapter; licensing of animals; quarantine of rabies-suspect animals; reduction of stray and unwanted animals through spay and neuter programs; community education regarding pet overpopulation; methods of ownership identification; and disposition of impounded animals by adoption, redemption, or humane euthanasia.

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

SECTION 3. That Chattanooga City Code, Chapter 7, Section 7-2, is amended by adding the following definitions as follows:

Sec. 7-2. Definitions.

Animal Performance: Any performance, show, exhibition, display or act where an animal participates for the amusement or entertainment of an audience. "Animal Performance" does not include the display of animals for strictly educational purposes by non-profit organizations or Persons.

Animal Rescuer: Any Person that is not acting for profit and that accepts in a calendar year (i) more than ten (10) animals or (ii) more than five (5) animals and more than two (2) unweaned litters of animals for the purpose of finding permanent adoptive homes for the animals. *Animal Rescuer* does not include a facility operated by or under contract with a governmental agency or a Foster Care Provider.

Boarding: Housing and caring for a companion animal temporarily, usually for a fee, by someone other than the animal's regular caretaker and at a location other than where the animal normally resides.

Companion Animal Daycare: Any establishment that provides boarding for a companion animal during the day for a fee.

Dealer: Any Person who engages in the business of selling, buying, brokering the sale of, or bartering animals in any manner, including through the Internet. A Dealer does not include (i) an Animal Shelter or an employee, agent or volunteer thereof acting on behalf of said shelter or (ii) any Person whose primary business is to transport companion animals as a common carrier in the regular course of business.

Foster Care Provider: Any Person who provides care or rehabilitation for animals through an affiliation with a facility operated by or under contract with a governmental agency.

Grooming: Bathing, cleaning, clipping, trimming, brushing, plucking, treating for external parasites, or providing any similar services to a companion animal for a fee.

Kennel: Any building, structure or property wherein any Person engages in the business of boarding, breeding, grooming, training for a fee, or hunting with a companion animal, maintaining a Companion Animal Daycare, or providing any similar service for or with a companion animal. "Kennel" does not include an Animal Rescuer or a facility operated by or under contract with a governmental agency.

Kennel Operator: Any Person engaged in the business of owning, operating or managing a kennel.

Place of Business: Any building, structure, premises or property where a Person conducts business or engages in conduct or activities that requires a Permit under this Chapter. It includes, but is not limited to, a store where animals are bought, sold, exchanged, or offered for sale to the public or any structure, premises or property upon which the Person houses or maintains animals as part of the business or keeps equipment,

supplies, records, books, documents or other items related to the business. If the Person houses or maintains animals related to the business at his or her home, then the place of business includes any part of the home in which the animals are housed, kept or allowed.

Regular Business Hours: The time periods in which the Permit holder or applicant is open for business, as posted on the Person's property or on the Internet, or if said Person has no posted business hours, then between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

Urban Chicken: A female chicken, regardless of age, that is owned, kept or maintained primarily for the noncommercial production of eggs. An Urban Chicken is Fowl and is therefore classified as Livestock, not as a Companion Animal, as those terms are defined in this Chapter. It does not include (i) other types of Fowl or (ii) roosters, which are strictly prohibited.

SECTION 4. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, Section 7-23, Permit Authorizing Pet Dogs in Outdoor Dining Areas of Restaurants, is hereby amended by deleting Section 7-23 in its entirety and substituting in lieu thereof the following:

Sec. 7-23. Requirements for sales of dogs and cats.

(a) Before a dog is offered for sale, barter, trade, giveaway or exchange, the dog shall receive, and the purchaser or consumer thereof shall receive documentation of, vaccines and anthelmintics against the following diseases and internal parasites:

(1) Rabies, if the dog is three (3) months of age or older;

(2) Canine distemper;

(3) Leptospirosis;

(4) Parainfluenza;

(5) Hepatitis;

(6) Canine parvo;

(7) Roundworm;

(8) Hookworm; and

(9) Whipworm.

(b) Each dog over six (6) months of age shall be tested for heartworm before being offered for sale.

(c) Before a cat is offered for sale, barter, trade, giveaway or exchange, the cat shall receive, and the purchaser or consumer thereof shall receive documentation of, vaccines and anthelmintics against the following diseases and internal parasites:

(1) Rabies, if the cat is three (3) months of age or older;

(2) Panleukopenia;

(3) Feline viral rhinotracheitis;

(4) Calici virus;

(5) Hookworm; and

(6) Roundworm.

(d) Each cat shall also be tested for feline leukemia virus before being offered for sale.

(e) All dogs and cats sold for profit in the City shall have a microchip implanted prior to sale. The seller shall register the microchip with the national registry associated with the microchip and shall provide the microchip number and other identifying information to the Animal Center. The seller shall also notify the Animal Center and the applicable national registry within forty-eight (48) hours of the sale of the dog or cat and shall provide the name, address, and telephone number of the new owner of the dog or cat.

(f) No Person may offer to sell or transfer any dog or cat that is less than eight (8) weeks of age.

SECTION 5. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XIV, General Provisions for Permits, as follows:

ARTICLE XIV. GENERAL PROVISIONS FOR PERMITS

Sec. 7-300. General applicability.

This Article applies to all Permits issued pursuant to Chapter 7 of the City Code, unless otherwise specified.

Sec. 7-301. Permit fees.

(a) Permit fees are due upon submission of a completed Permit application and must be paid in full before a Permit will be issued.

(b) Once submitted, a Permit fee is nonrefundable, regardless whether a Permit application is withdrawn or a Permit is granted, denied, suspended or revoked.

Sec. 7-302. Duration and validity of Permit; restrictions on violators of animal laws.

(a) Each Permit shall be valid for one year from the date of approval of the Animal Control Board.

(b) A Permit is not transferable and is not valid at a location other than the one for which it was issued.

(c) A Permit issued under this Chapter is required in addition to any other licenses or permits required by local, state or federal law. In addition to complying with the requirements set forth in this Chapter, a Permit applicant or holder shall also comply with all zoning and other applicable laws or regulations.

(d) A Permit is valid unless revoked or suspended, voluntarily terminated, expired, or the annual Permit fee has not been paid prior to the expiration date.

(e) A Permit that is invalid for any reason other than because it is expired shall be surrendered promptly to the Animal Control Board. Said Permit shall be returned in person or by certified mail with return receipt requested to the Office of the City Attorney.

(f) Any Person found by a court of law or a regulatory body to have violated any law involving neglect of or cruelty toward any animal shall not be allowed to hold a Permit under this Chapter for a period of five (5) years from the date of such finding.

Sec. 7-303. Application process; grant or denial of Permit.

(a) Any Person seeking a Permit under this Chapter must complete a Permit application in full, including a listing of all premises, sites or facilities where animals are kept or maintained, or intended to be kept or maintained, in connection with the business or activity for which the Permit is sought. The Permit fee is due when the completed application is submitted.

(b) After submission of the Permit application and fee, an Animal Services Officer shall conduct an inspection to determine whether the applicant complies with all standards and requirements for obtaining the Permit.

(c) The Director of the Animal Center, or an agent acting on the Director's behalf, will present the Animal Control Board, at its next regularly scheduled meeting, with copies of all inspection reports completed since the last meeting and a recommendation as to whether each Permit should be approved or denied.

(d) The Board may, in its discretion, either grant or deny the Permit.

(e) If the Board denies the Permit, the applicant may reapply for a Permit by starting the application process again, including submitting a new Permit fee.

Sec. 7-304. Renewal of Permit; grant or denial of renewal.

(a) With the exception of an Animal Performance Permit, a Permit issued under this Chapter must be renewed each year. The renewed Permit shall be valid for one year from the date it is approved by the Animal Control Board.

(b) Any Permit holder seeking renewal of a Permit under this Chapter must complete a Permit application in full, including a listing of all premises, sites or facilities where animals are kept or maintained in connection with the business or activity for which the Permit is sought. The Permit fee is due when the completed application is submitted.

(c) Applications for renewal of a Permit, along with the Permit fee, must be submitted at least thirty (30) days prior to the expiration date of the Permit. Any applications submitted less than thirty (30) days before the expiration date shall be subject to a mandatory late fee of twenty dollars ($20.00) for an Urban Chicken Permit or fifty dollars ($50.00) for any other Permit under this Chapter.

(d) In addition to the mandatory late fee, a Permit holder who has failed to renew the Permit when such Permit is required is subject to suspension or revocation of the Permit.

(e) After submission of the Permit application and fee, an Animal Services Officer shall conduct an inspection to determine whether the applicant complies with all standards and requirements for maintaining the Permit.

(f) The Director of the Animal Center, or an agent acting on the Director's behalf, will present the Animal Control Board, at its next regularly scheduled meeting, with copies of all inspection reports completed since the last meeting and a recommendation as to whether each Permit should be renewed.

(g) The Board may, in its discretion, either grant or deny the renewal of the Permit.

(h) If the Board denies the Permit, the applicant may reapply for a Permit by starting the application process again, including submitting a new Permit fee.

Sec. 7-305. Inspections.

(a) To enforce the provisions of this Chapter regarding Permits, the City has the right to conduct inspections, as provided in this Article, of any Place of Business or premises of a Permit holder or applicant. Such inspections shall be conducted by an Animal Services Officer at any reasonable time.

(b) By submitting an application for a Permit or the renewal thereof, a Person agrees and hereby consents to allow and enable the inspections described herein.

(c) A Permit holder or applicant has a duty to ensure that an Animal Services Officer conducting an inspection has free and unimpeded access to all parts of the place of business or the premises where the animals are kept. Permit holders are not entitled to refuse an inspection. The refusal of an inspection shall result in a hearing before the Animal Control Board and shall be considered grounds for the denial, suspension or revocation of a Permit.

(d) During an inspection, an Animal Services Officer will verify whether the Permit holder or applicant is in compliance with all standards, requirements and provisions related to the Permit, as provided in this Chapter.

(e) An Animal Services Officer conducting an inspection has the right to do any of the following while at the premises or place of business for an inspection:

(1) Examine and make copies of any records, computer data, licenses or other documents that are related to the Permit or required under this Chapter or under local, state or federal law. The Permit holder or applicant is required to produce upon request all said documents and materials;

(2) Take photographs and/or video recordings of the facility, property, and animals to ascertain compliance with or to document any violations of any relevant provisions of this Code or any state or federal laws; and

(3) Question the owners, managers or employees of the premises, facility or place of business regarding the condition and practices of the place of business with respect to the handling, care, treatment, health and safety of the animals.

(f) Upon completion of the inspection, the Animal Services Officer will provide the Permit holder or applicant with a copy of the completed inspection report.

(g) In addition to the foregoing, the provisions set forth in this subsection also apply to Dealer and Kennel Permits:

(1) Each place of business or premises shall be inspected at least once per year, upon submission of an application for a Permit or the renewal thereof and the Permit fee.

(2) Animal Services Officers have the right to conduct random inspections of a Permit holder's place of business or premises during regular business hours.

(3) An Animal Services Officer has the right to enter a Permit holder's or applicant's place of business during regular business hours to conduct an inspection under this Chapter. When applicable, an inspection may be conducted at any other time that is mutually agreeable to the Permit holder or applicant and the Animal Services Officer.

Sec. 7-306. Violation found during inspection.

(a) Any violation found during an inspection will be documented on the inspection report completed by the Animal Services Officer. Said completed inspection report will constitute a written notice of the violation.

(b) Said Permit holder or applicant has the right to have a hearing before the Animal Control Board before action is taken on the Permit.

(c) If the violation pertains to the health or safety of an animal, an Animal Services Officer may return to the premises or place of business with a veterinarian currently licensed in the state of Tennessee to inspect said animal. The Permit holder or applicant has a duty to ensure that the Animal Services Officer and the veterinarian have free and unimpeded access to the animal. The veterinarian may take any samples from the animal that are deemed medically necessary to diagnosis and/or treat the animal.

Sec. 7-307. Hearings; notice.

(a) Hearings on whether to grant or deny a Permit or to suspend or revoke a Permit will be held before the Animal Control Board and are open to the public.

(b) A Permit holder or applicant who is subject to a hearing will be notified in writing of the date, time and place of the hearing.

(c) Notice of a hearing is properly served when it is delivered in person to the Permit holder or applicant or when it is sent by certified mail, return receipt requested, to the last known address of the Permit holder or applicant. A copy of the notice shall be filed in the records of the Animal Control Board.

(d) The hearing will be held at the Animal Control Board's next regularly scheduled meeting if the completed inspection report is issued at least ten (10) business days before said meeting. If the completed inspection report is issued less than ten (10) business days before said meeting, then the hearing will be held at the Board's next subsequent regularly scheduled meeting.

Sec. 7-308. Grounds for suspension or revocation of Permit.

(a) The Animal Control Board has the power to suspend or revoke, and is charged with the duty of suspending or revoking, any Permits issued by it under this Chapter, upon notice to the Permit holder and a hearing thereon, for any violation of any provision of Chapter 7 of the City Code within its jurisdiction or when the Permit holder or applicant:

(1) Fails to provide Adequate Care to any animal;

(2) Fails to comply with any applicable mandatory setback requirements provided for in this Article;

(3) Provides false information on an application for a Permit or the renewal thereof;

(4) Fails or refuses to allow an inspection or to cooperate with an Animal Services Officer during an inspection;

(5) Does not comply with the standards or requirements for obtaining or maintaining the Permit, as provided for in this Chapter;

(6) Commits serious or repeated violations of any provisions of the Code related to the Permit; or

(7) Violates any relevant local, state or federal laws or regulations.

(b) Violations must be established by a preponderance of the evidence before the Animal Control Board may suspend or revoke a Permit.

(c) No Permit shall be required to be surrendered while charges are pending before the Animal Control Board, until said Board has rendered a final decision.

Sec. 7-309. Impoundment of animal.

If an Animal Services Officer determines, while conducting an inspection, that an animal is in imminent danger of death or serious bodily harm, the officer may impound said animal, as provided in Article VI of the City Code.

Sec. 7-310. Penalties for violations.

(a) If the Animal Control Board determines after a hearing that a Permit holder has violated a provision of this Article, the Board may, in its discretion, revoke the Permit or suspend the Permit for a specific period of time that is determined by the Board.

(b) The Board's suspension or revocation of a Permit does not preclude a Permit holder or applicant from being cited to City Court for violations of other provisions of this Chapter or from being charged with violations of other local, state or federal laws.

Sec. 7-311. Finality of decisions.

A decision of the Animal Control Board as to whether to grant or deny a Permit or the renewal thereof or to suspend or revoke a Permit shall be final, except as it may be subject to review at law.

Sec. 7-312. Appeal of adverse action by Animal Control Board.

A final decision of the Animal Control Board may be appealed to the Circuit Court or the Chancery Court for Hamilton County, Tennessee, as provided by law.

Secs. 7-313. – 7-340. Reserved.

SECTION 6. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XV, Dealer Permits, as follows:

ARTICLE XV. DEALER PERMITS

Sec. 7-350. Purpose.

The purpose of requiring a Dealer Permit is to protect the general health, safety and welfare of the public by establishing standards of care that will aid consumers in receiving animals in a safe and healthy condition.

Sec. 7-351. Dealer Permit required; Permit to be on display.

(a) A Dealer shall be required to obtain and maintain a valid Permit for each store or place of business located within the City. Every individual store operating as a chain of stores must have its own individual Permit in order to operate.

(b) The Permit shall be on display at all times and easily visible for any member of the public to view.

(c) Any Person who meets the definition of "Dealer" under Tennessee Code Annotated § 44-17-102(4) and who possesses a state dealer license shall be regulated under applicable state law provisions, including Tennessee Code Annotated §§ 44-17-101 *et seq.*

Sec. 7-352. Permit fees.

(a) The annual fee for a Dealer Permit is three hundred dollars ($300.00).

(b) The annual fee to renew a Dealer Permit is three hundred dollars ($300.00).

Sec. 7-353. Standards and requirements for a Dealer Permit.

(a) Any Person seeking to obtain or renew a Dealer Permit must comply with the standards and requirements set forth in this Section. Such Person must:

(1) Provide Adequate Care to each animal owned, maintained or otherwise kept in the regular course of business by such Person;

(2) Comply with all applicable state and federal laws and regulations as well as with all relevant provisions of the City Code;

(3) Not have any material deficiencies found when the Person's place of business is inspected before the issuance or renewal of a Dealer Permit;

(4) Not have any material deficiencies found when the Dealer's place of business is inspected during a random inspection;

(5) Maintain an adequate isolation area for sick or injured animals; and

(6) Provide the following information, in writing, to the purchaser or consumer of any of its animals with respect to each animal sold or otherwise transferred:

(i) The name, address, and USDA license number of the breeder and any broker who has had possession of the animal; the date of the animal's birth; the date the Dealer received the animal; the breed, sex, color and identifying marks of the animal; a record of surgical sterilization, if applicable; and a record of veterinary care, tests, deworming treatments, medications and inoculations (including, if available, the manufacturer's name and the

serial number of the vaccination used) received by the animal;

(ii) The animal's requirements for adequate feeding, housing and healthcare;

(iii) A statement signed by the Dealer stating either that the animal has no known health problems or disclosing any known health problems and any necessary treatment; and

(iv) The City's licensing and vaccination requirements for the animal.

Secs. 7-354. – 7-379. Reserved.

SECTION 7. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XVI, Kennel Permits, as follows:

ARTICLE XVI. KENNEL PERMITS

Sec. 7-380. Purpose.

The purpose of requiring a Kennel Permit is to protect the health and welfare of the public and companion animals and to preserve the right of all property owners to the quiet enjoyment of their property through the effective regulation of Kennels.

Sec. 7-381. Kennel Permit required.

(a) A Kennel Operator shall be required to obtain and maintain a valid Kennel Permit before operating a Kennel.

(b) In the application for a Kennel Permit or the renewal thereof, the Kennel Operator must list all premises, sites or facilities that are used in the operation of the Kennel.

(c) A Kennel Operator must have a valid Permit for each location within the City at which animals are kept or maintained as part of the operation of the Kennel.

(d) The Permit shall be on display at all times and easily visible for any member of the public to view.

(e) Any person who possesses or maintains twenty (20) or more intact female dogs and meets the definition of "Commercial Breeder" under Tennessee Code Annotated § 44-17-702(3) is also subject to the Commercial Breeder Act, Tenn. Code Ann. §§ 44-17-701 *et seq*.

Sec. 7-382. Permit fees.

(a) The annual fee for a Kennel Permit is three hundred dollars ($300.00).

(b) The annual fee to renew a Kennel Permit is three hundred dollars ($300.00).

(c) A nonprofit organization that trains service animals is exempt from paying the Permit fee.

Sec. 7-383. Standards and requirements for a Kennel Permit.

(a) Any Person seeking to obtain or renew a Kennel Permit must comply with the standards and requirements set forth in this Section. Such Person must:

(1) Provide Adequate Care to each animal owned, maintained or otherwise kept in the regular course of business by such Person;

(2) Establish a Kennel only in zones where Kennels are allowed under Chapter 38 ("Zoning") of the City Code;

(3) Comply with all applicable state and federal laws and regulations as well as with all relevant provisions of the City Code, including Article IV ("Barking Dogs") of this Chapter;

(4) Not have any material deficiencies found when the Person's place of business is inspected, as provided in this Chapter, before the issuance or renewal of a Kennel Permit;

(5) Not have any material deficiencies found when the Person's place of business is inspected during a random inspection conducted as provided in this Chapter;

(6) Maintain an adequate isolation area for sick or injured animals; and

(7) Provide the following information, in writing, to the purchaser or consumer of any of its animals, including the offspring, with respect to each animal sold or otherwise transferred in the regular course of business:

(i) The name, address, and USDA license number of the breeder and any broker who has had possession of the animal; the date of the animal's birth; the date the Kennel Operator received the animal, if applicable; the breed, sex,

color and identifying marks of the animal; a record of surgical sterilization, if applicable; and a record of veterinary care, tests, deworming treatments, medications and inoculations (including, if available, the manufacturer's name and the serial number of the vaccination used) received by the animal;

(ii) The animal's requirements for adequate feeding, housing and healthcare;

(iii) A statement signed by the Kennel Operator stating either that the animal has no known health problems or disclosing any known health problems and any necessary treatment; and

(iv) The City's licensing and vaccination requirements for the animal.

Secs. 7-384. – 7-419. Reserved.

SECTION 8. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XVII, Animal Performance Permits, as follows:

ARTICLE XVII. ANIMAL PERFORMANCE PERMITS

Sec. 7-420. Purpose.

The purpose of requiring an Animal Performance Permit is to protect the health, safety and welfare of the public by requiring any Person conducting a show, performance, exhibition or other entertainment involving an animal to notify proper authorities in advance and to aid in protecting the welfare of said animal.

Sec. 7-421. Animal Performance Permit required.

(a) Any Person intending to hold an Animal Performance is required to obtain an Animal Performance Permit issued by the City before holding such Performance.

(b) An Animal Performance Permit issued under this Chapter is required in addition to any other licenses or permits required by local, state or federal law. In addition to complying with the requirements set forth in this Chapter, a Permit holder also must comply with all zoning and other applicable laws and regulations.

Sec. 7-422. Categories of Animal Performance Permits; Permit fees; renewals.

(a) There are four categories of Animal Performance Permits, each of which is based on the number of animals maintained for or used in the Animal Performance as well as the number of days on which Animal Performances are to be held. Those categories and the Permit fee for each are as follows:

(1) Category I: No more than five (5) animals, with Animal Performances on one (1) day only: $100.00;

(2) Category II: More than five (5) animals, with Animal Performances on one (1) day only: $200.00;

(3) Category III: No more than five (5) animals, with Animal Performances on more than one (1) day: $300.00;

(4) Category IV: More than five (5) animals, with Animal Performances on more than one (1) day: $200.00 per day for each day that an Animal Performance occurs.

(b) With the exception of Permits issued pursuant to Section 7-426(c), Animal Performance Permits are not renewable. A new application must be submitted for each separate Animal Performance that is not covered by an existing Permit.

Sec. 7-423. Duty to report Animal Performances.

(a) The owner or manager of any auditorium, theater or other facility open to the public in which any Person intends to have an Animal Performance shall notify the Animal Center at least thirty (30) calendar days in advance of such show. Such notification shall include the name of the Person responsible for the Animal Performance, a telephone number to contact said Person, and the date(s) and time(s) of the Animal Performance.

(b) Failure to report Animal Performances as required in (a) may result in a citation to City Court and, upon conviction, a fine of not more than fifty dollars ($50.00).

Sec. 7-424. Other provisions apply; this Article controls.

The provisions of Article XIV ("General Provisions for Permits") apply to Animal Performance Permits, except as otherwise specified. This variance is due to the nature of Animal Performances and the limited time in which an animal may be in the City for purposes of the Animal Performance. In the event of a conflict between provisions in Article XIV and this Article regarding Animal Performance Permits, the provisions in this Article control.

Sec. 7-425. Standards and requirements for an Animal Performance Permit.

(a) Any Person seeking to obtain an Animal Performance Permit must comply with the standards and requirements set forth in this Section. Such Person must:

(1) Provide Adequate Care to each animal owned, maintained or otherwise kept for purposes of the Animal Performance;

(2) Maintain all facilities or premises where animals are kept or used for purposes of an Animal Performance in a clean, healthy and sanitary condition;

(3) Allow an Animal Services Officer to inspect, at any reasonable time, all animals kept or maintained for purposes of the Animal Performance as well as the facility or premises where the Animal Performance is to be held;

(4) Not have any material deficiencies found during the inspection of the applicant's animals or of the facility or premises where the Animal Performance will be held; and

(5) Comply with all applicable state and federal laws and regulations as well as with all relevant provisions of the City Code.

(b) An applicant for an Animal Performance Permit must allow one (1) or more Animal Services Officers to be present at the arrival, departure and/or presentation of each Animal Performance to ensure compliance with the provisions of this Chapter. However, the Animal Center may, in its discretion, elect not to attend such Animal Performances, or the arrival or departure thereto.

Sec. 7-426. Limitations.

(a) All Persons required to have a Permit under this Article must apply for said Permit as provided in this Article. Notwithstanding, churches, schools, and civic, fraternal, veterans or nonprofit charitable organizations are exempt from paying the Permit fee. The exemption is expressly limited to the payment of fees and does not exempt said organizations from any other requirements set forth in this Article or Chapter 7 of the City Code.

In the event of a discrepancy as to whether an organization qualifies for an exemption under Section 7-426(a), the Animal Control Board shall make the determination regarding whether the exemption applies. If the determination cannot be made in advance of the Animal Performance, the applicant must pay the Permit fee before issuance of the Permit, and the payment will be refunded if the Animal Control Board later determines that the organization is exempt under Section 7-426(a).

(b) This Article does not apply to dog shows, cat shows or other similar events involving animals being judged.

(c) Persons engaged in the business of offering horse, pony, camel, llama, elephant or other similar rides for compensation at organized events within the City must apply for the category of Animal Performance Permit based on more than one (1) day and the number of animals maintained or used for said rides. However, the Animal Performance Permit will be valid for one year from the date of issuance and will cover all events in which the Permit holder offers such horse or pony rides within the City during that one-year period.

(d) This Article does not apply to Persons engaged in the business of keeping, maintaining and using equine for riding, riding lessons, therapy, training or similar activities at a fixed location.

Sec. 7-427. Application process; review of application; conditional approval or denial.

(a) Any Person seeking an Animal Performance Permit must complete a Permit application in full, including a listing of all premises, sites or facilities where all animals in the Animal Performance are being or will be kept or maintained while in the City for purposes of the Animal Performance.

(b) The Animal Control Board shall review at each regularly scheduled meeting all newly submitted applications for Animal Performance Permits.

(c) If the Board reasonably believes that the applicant complies with all applicable requirements for obtaining the Permit, and the Permit fee, where applicable, has been paid, the Board shall issue a conditional Animal Performance Permit, subject to the satisfactory completion of the inspection, as provided in this Article.

(d) If the Board reasonably believes that the applicant does not comply with all applicable requirements for obtaining the Permit, including paying the Permit fee, where applicable, the Board shall deny the Permit.

Sec. 7-428. Inspections; compliance; material breach.

(a) In addition to the provisions in Section 7-305, the provisions set forth in this Section apply to inspections for Animal Performance Permits.

(b) An Animal Services Officer shall conduct an inspection of the animals that are kept or maintained for purposes of the Animal Performance and may inspect the facility or premises where the Animal Performance will occur and where the animals are being kept or maintained.

(d) In the course of the inspection, the Animal Services Officer is authorized to inspect, at any reasonable time, the following with respect to each animal that is kept or maintained for purposes of the Animal Performance:

(1) Each animal is receiving Adequate Care;

(2) All records related to the care, treatment, husbandry, training, and trainers of each animal;

(3) The animal is safely and properly contained;

(4) Records of current rabies inoculations, if applicable; and

(5) The animal has a current City license, if the animal resides within the City.

(d) If the inspection yields no material breaches, then the Animal Performance may proceed as specified in the Permit holder's application.

(e) If an Animal Services Officer conducting an inspection has a reasonable concern about the health or safety of an animal, the Animal Services Officer may seek the assistance of a veterinarian currently licensed in the State of Tennessee to inspect the animal.

(f) If the inspection yields a material breach, the Animal Services Officer shall issue the Permit applicant a copy of the completed inspection report that specifies the deficiencies.

(1) If the applicant does not or cannot remedy the material deficiencies to the reasonable satisfaction of the Animal Services Officer prior to the first performance, then the conditional Permit is deemed denied.

(2) The Director of the Animal Center, or an agent acting on the Director's behalf, shall promptly notify the City Attorney's Office and the Chairman of the Animal Control Board of such denial. The Animal Center and the City Attorney's Office may proceed as provided by law.

Sec. 7-429. Show Cause hearing; factor in future decisions.

(a) If the Animal Performance is held despite the applicant's failure to pass the inspection, the Animal Control Board shall hold a hearing to allow the applicant to show cause why the Permit should not be or have been revoked.

(b) The Board's determination at the Show Cause hearing is a factor that may be considered if the applicant or any other Person involved in the Animal Performance at issue applies for an Animal Performance Permit in the future.

Sec. 7-430. Surrender of Permit fee.

Any fees submitted to obtain an Animal Performance Permit shall be deemed surrendered, regardless whether the Animal Performance occurs or whether fewer performances than anticipated occur, provided that the limitations specified in Section 7-426 do not apply.

Secs. 7-431. – 7-449. Reserved.

SECTION 9. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XVIII, Animal Rescue Permits, as follows:

ARTICLE XVIII. ANIMAL RESCUE PERMITS

Sec. 7-450. Purpose.

The purpose of requiring an Animal Rescue Permit is to protect the health, safety and welfare of the public and animals by establishing guidelines for Persons engaged in the practice of rescuing and placing animals in permanent homes.

Sec. 7-451. Permit required; Permit to be posted.

(a) An Animal Rescuer must obtain and maintain a valid Permit for each location within the City at which it accepts, keeps or maintains animals as part of its operations. Each location must have its own individual Permit.

(b) In the application for an Animal Rescue Permit or the renewal thereof, the Animal Rescuer must include a listing of all premises, sites or facilities that are used in the Animal Rescuer's operations.

(c) The Permit must be available for viewing upon request.

Sec. 7-452. No Permit fee.

There shall be no Permit fee to obtain or renew an Animal Rescue Permit.

Sec. 7-453. Standards and requirements for an Animal Rescue Permit.

(a) Any Person seeking to obtain or renew an Animal Rescue Permit must comply with the standards and requirements set forth in this Section. Such Person must:

(1) Provide Adequate Care to each animal;

(2) Have each animal spayed or neutered before it is adopted, pursuant to Section 7-85 of the City Code;

(3) Not have any material deficiencies found when the Animal Rescuer's premises is inspected before the issuance or renewal of the Permit;

(4) Not have any material deficiencies found when the Animal Rescuer's premises is inspected during a random inspection;

(5) Comply with all applicable state and federal laws and regulations as well as with all relevant provisions of the City Code;

(6) Maintain an adequate isolation area for sick or injured animals; and

(7) Provide the following information, in writing, to the adopter of any of its animals with respect to each animal placed for adoption or otherwise transferred:

(i) The name and address of the Animal Rescuer and, if applicable, the federal tax ID number; the date the Animal Rescuer received the animal; the breed, sex, color and identifying marks of the animal; a record of surgical sterilization; microchip number if applicable; and a record of veterinary care, tests, deworming treatments, medications and inoculations (including, if available, the manufacturer's name and the serial number of the vaccination used) received by the animal;

(ii) A statement signed by the Animal Rescuer stating either that the animal has no known health problems or disclosing any known health problems and any necessary treatment; and

(iii) The City's licensing and vaccination requirements for the animal.

(8) Retain sales and medical records for a minimum of three (3) years in accordance with state law and provide such records upon request by an Animal Services Officer or the Animal Control Board.

(b) It shall be unlawful for an Animal Rescuer to knowingly place for adoption any animal with a disease or parasite contagious to other animals or human beings.

Sec. 7-454. City license required after one year.

An animal may remain within the care, custody or control of an Animal Rescuer for up to one year without a City license. Any animal still under the care, custody or control of an Animal Rescuer after one year is required to have a City license.

Secs. 7-455. – 7-479. Reserved.

SECTION 10. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XIX, Urban Chicken Permits, as follows:

ARTICLE XIX. URBAN CHICKEN PERMITS

Sec. 7-480. Purpose.

The purpose of this Article is to provide standards to enable residents to keep a small number of female chickens on a noncommercial basis while limiting the potential impacts on surrounding property owners and the neighborhood.

Sec. 7-481. Urban Chicken Permit required.

(a) Any person who owns or keeps Urban Chickens within the City must have an Urban Chicken Permit and shall be subject to the following:

(1) An Urban Chicken Permit is personal to the Permit holder and may not be assigned to any other person.

(2) An Urban Chicken Permit authorizes the keeping chickens only upon the property described in the Permit.

(3) An individual may hold only one (1) Urban Chicken Permit.

(b) An Urban Chicken Permit automatically will terminate and become void if no chickens are present on the property for thirty (30) consecutive days or if the Permit holder is absent from the property for thirty (30) consecutive days. During the Permit holder's absence, the chickens must be removed from the property or Adequate Care must be provided to the chickens during the absence, or said chickens will be deemed Abandoned, as that term is defined in this Chapter.

(c) An Urban Chicken Permit is not required for persons who lawfully keep chickens as provided in Section 7-107 of the City Code at the time this Article takes effect. This Article is not intended to replace or alter said Section.

Sec. 7-482. Permit fees.

The Animal Center will collect all annual fees for Urban Chicken Permits or renewals and shall remit payment of these fees to the City Treasurer within 30 days after any fee is collected.

(a) The annual fee for an Urban Chicken Permit is fifty dollars ($50.00).

(b) The annual fee to renew an Urban Chicken Permit is ten dollars ($10.00).

Sec. 7-483. Standards and requirements for an Urban Chicken Permit.

(a) Any person seeking to obtain or renew an Urban Chicken Permit must comply with the standards and requirements set forth in this Section. Such person must:

(1) Meet all provisions set forth in this Article;

(2) Provide Adequate Care to each Urban Chicken owned, maintained or otherwise kept by such person;

(3) Maintain the chickens in a state of good health and free of zoonotic or contagious diseases or parasites;

(4) Comply with all applicable state and federal laws and regulations as well as with all relevant provisions of the City Code;

(5) Not have any material deficiencies found when the property where the Urban Chickens are to be kept;

(6) Allow an Animal Services Officer, City of Chattanooga Code Enforcement Officer or a law enforcement officer to enter, at any reasonable time after an Urban Chicken Permit has been issued, any premises where the officer has reasonable cause to believe that a provision of this Article is being violated;

(7) Not have any material deficiencies found when the Permit holder's premises is inspected in response to a complaint;

(8) Secure Urban Chickens within the coop during non-daylight hours, with access doors closed and locked; and

(9) No permit may be granted without written permission of all adjoining neighbors on the initial application.

Sec. 7-484. Number of chickens, requirements for coops and fenced enclosures.

(a) No more than eight (8) Urban Chickens are allowed for any single-family dwelling.

(b) Urban Chickens must be kept in a fenced enclosure at all times. The fenced enclosure must be either: (i) covered or (ii) at least forty-two (42) inches high, in which case, all chickens must be continuously wing-clipped to prevent escape.

(c) In addition to the fenced enclosure, all Urban Chickens must be provided with a covered, predator-resistant, well-maintained coop.

(1) Coops shall be enclosed on all sides and shall have a roof and doors.

(2) Access doors must be able to close completely and lock.

(3) Opening windows and vents must be covered with predator- and bird-resistant wire with less than one (1) inch openings.

(d) A minimum of two (2) square feet per chicken shall be provided for coops and six (6) square feet per chicken for fenced enclosures.

(e) The materials used in making the coop and enclosure shall be uniform for each element of the structure such that the walls are made of the same material, 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.

(f) The coop and fenced enclosure must be clean, dry, odor-free and properly ventilated, allow for adequate sun and shade, kept in a neat and sanitary condition at all times, and maintained in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(g) The coop and fenced enclosure must be constructed in a manner to deter access by rodents, wild birds, and predators, including dogs and cats.

Sec. 7-485. Location of coops and enclosures.

(a) Urban Chickens are allowed only on lots containing single-family detached dwellings, including modular homes and manufactured homes.

(1) The Permit holder must occupy the residence on the property where the chickens are kept as his or her personal, primary residence. No Permit will be issued when an applicant that is not the owner of the property cannot provide written verification of the property owner's consent to allow chickens on said property.

(b) Both the coop and the fenced enclosure must be set back at least fifteen feet (15') from the property line and at least twenty-five feet (25') from any residential structure, including porches, decks, patios, pools, or similar items, other than those on the Permit holder's property.

(c) Both the coop and the fenced enclosure must be set back at least eighty feet (80') from any stream, wetland, spring, lake, or other wet weather conveyance.

(d) Coops and enclosures shall be permitted only in the backyard of a single-family dwelling. Nothing used in the keeping or maintenance of Urban Chickens is allowed in front or side yards.

Sec. 7-486. Noncommercial use only.

Urban Chickens shall be kept for personal use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes or financial gain.

Sec. 7-487. Food storage and removal.

All stored food for Urban Chickens must be kept either indoors or in a rodent-proof, weather-resistant container designed to prevent access by animals. Uneaten food provided to the chickens must be removed daily.

Sec. 7-488. Waste storage and removal.

(a) A Permit holder is responsible for the proper storage and removal of all chicken manure. All manure for composting or fertilizing must be contained in a well-aerated garden composting container. All other manure not used for composting or fertilizing must be removed. All transportation and disposals must be in compliance with state-mandated stormwater, solid waste, and all other applicable regulations.

(b) The coop and surrounding area must be kept free from trash, accumulated droppings, and all other waste.

Sec. 7-489. Running at large prohibited.

No Urban Chicken shall be allowed to run at large outside its fenced enclosure at any time. Failure to maintain chickens within the enclosure may result in a citation to City Court. An owner is in violation of this provision each time a chicken runs at large and for each chicken that runs at large.

Sec. 7-490. Outside slaughtering prohibited.

Outside slaughtering of chickens in the City is strictly prohibited. A violation of this provision may result in a citation to City Court. Each chicken that is slaughtered outside constitutes a separate violation.

Sec. 7-491. Diseased chickens.

(a) If an Urban Chicken exhibits any of the following symptoms, the Urban Chicken Permit holder must contact a veterinarian and the Animal Center immediately to report the symptom(s):

(1) Unusual number of acute deaths;

(2) Severe respiratory conditions;

(3) Central nervous system conditions; and

(4) High morbidity and/or mortality of unknown etiology.

(b) The above-listed symptoms must be reported immediately because they indicate that a chicken may have a federally mandated reportable disease, including:

(1) Avian Influenza (Fowl Plague);

(2) Fowl Typhoid (Salmonella gallinarum);

(3) Pullorum Disease (Salmonella pullorum); or

(4) Velogenic Viscerotropic Newcastle Disease.

Sec. 7-492. Removal of coop when no longer used.

A coop, fencing or any other structure or material used for the keeping of Urban Chickens must be either removed from the property or stored out of view from public property or any neighbor's property within thirty days of any of the following events:

(a) Urban Chickens have not been on the property for thirty (30) consecutive days.

(b) The Permit holder is absent from the property for thirty (30) consecutive days.

(c) The Permit holder no longer holds a valid Permit.

Sec. 7-493. Violations.

Any person violating any provision of this Article may be cited to City Court and, upon conviction, may be subject to a fine of no more than fifty dollars ($50.00) for each offense. Additionally, the Animal Control Board may suspend or revoke a Permit for a violation of this Article. Each day that a violation continues constitutes a separate offense.

Sec. 7-494. No grandfathering; time period for compliance.

Urban Chickens currently existing in the City shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance. However, owners of Urban Chickens will have one hundred eighty (180) days from the effective date to come into compliance with this Ordinance.

Sec. 7-495. Opt out provision; restrictions.

(a) A neighborhood association recognized by the Department of Economic and Community Development may, upon gathering the written signatures of two-thirds of those active members as defined by that neighborhood association, opt out of the provisions and requirements of this Article XIX. Such an opt out would result in the prohibition of any Urban Chicken Permits being granted for property located within the defined area of the neighborhood association.

(b) No Permit will be issued when an applicant is prohibited from possessing chickens based on the terms of a restrictive covenant, deed, or other recorded instrument governing the use of the property.

Sec. 7-496. Limited duration of provision.

This Ordinance shall be effective for one (1) year following the date of its enactment to allow consideration for the continued permissive use of Urban Chickens within single family residential zones within the City of Chattanooga on a trial basis. There shall be a sunset on the keeping of Urban Chickens within the City on or before August 1, 2014, unless this ordinance is approved to be extended by the City Council at that time. No use of keeping Urban Chickens as allowed by this ordinance shall be permitted as a legal nonconforming use within the City after August 1, 2014, unless the City Council approves such use at that time.

Secs. 7-497 – 7-519. Reserved.

SECTION 11. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, is amended by adding Article XX, Dogs in Outdoor Dining Areas Permits, as follows:

ARTICLE XX. DOGS IN OUTDOOR DINING AREAS PERMITS

Sec. 7-550. Purpose.

The purpose of this Article is to implement Tennessee Code Annotated Section 6-54-135 by providing a permitting process to authorize individual restaurants to permit dogs in outdoor dining areas of restaurants while providing adequate controls to ensure compliance with health, safety and other relevant statutes.

Sec. 7-551. Permit required; terms and conditions.

The owner or proprietor of any restaurant that maintains an outdoor dining area may apply for a Permit authorizing the restaurant to allow pet dogs to be present in the outdoor dining area. The Permit is subject to the following terms and conditions:

(a) No pet dog shall be present in the interior of any restaurant or in any area where food is prepared.

(b) The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog otherwise is behaving in a manner which compromises or threatens to compromise the health or safety of any person present at the restaurant.

(c) All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling a pet dog. Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

(d) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.

(e) Patrons shall keep their pet dogs on a non-retractable leash no longer than six feet (6’) and appropriate for the size, age, and weight of the pet dog, and keep their pet dogs under reasonable control at all times.

(f) Pet dogs shall not be allowed on chairs, tables or other furnishings.

(g) Accidents involving pet dog waste shall be cleaned immediately by the person who brought the pet dog upon the premises and the area sanitized with an approved product. A kit with the appropriate materials to accomplish this purpose shall be furnished by the restaurant and kept near the designated outdoor area.

(h) A sign or signs reminding employees and patrons of the applicable rules must be posted in a visible location upon the premises in the outdoor dining area. The restaurant shall erect a sign at an appropriate location within the restaurant stating, "Only service animals permitted beyond this point."

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

(j) A Permit holder must inform all restaurant employees about the requirements and conditions of the Permit and provide adequate training and supervision to ensure that employees will follow them.

Sec. 7-552. Permit fees.

(a) The annual fee for a Dogs in Outdoor Dining Areas Permit is fifty dollars ($50.00).

(b) The annual fee to renew a Dogs in Outdoor Dining Areas Permit is fifty dollars ($50.00).

Sec. 7-553. Application requirements.

An application for a Dogs in Outdoor Dining Areas Permit or the renewal thereof must be completed in full. The following are required as part of the application:

(a) The name and contact information for at least one (1) person responsible for management of the business during all hours when the business is open to the public;

(b) A certification that the applicant is aware of all laws, ordinances, rules and regulations pertaining to permitting dogs in outdoor dining areas; and

(c) An affirmative statement to be signed by the applicant verifying that the applicant shall abide by all such laws, ordinances, rules, and regulations at all times.

Sec. 7-554. Cooperation with government bodies.

An applicant or Permit holder must cooperate fully with any governmental entity having responsibility for enforcement of the Tennessee Food, Drug, and Cosmetic Act,

compiled in Title 53, Chapter 1 of the Tennessee Code, and any other applicable statutes and ordinances.

Sec. 7-555. Enforcement; violations.

(a) Obligations imposed by this ordinance on the owner of or person responsible for a pet dog shall be enforced against the owner of or the person responsible for the dog. Violations of this Article by said persons may result in a citation to City Court and, upon conviction, a fine not to exceed fifty dollars ($50.00) for each offense.

(b) Obligations imposed by this ordinance on the restaurant or the employees thereof shall be enforced against the owner and/or manager of the restaurant. Violations of this Article by said persons may result in a citation to City Court and, upon conviction, a fine not to exceed fifty dollars ($50.00) for each offense and/or a hearing before the Animal Control Board and, upon proof by a preponderance of the evidence, the suspension or revocation of the Dogs in Outdoor Dining Areas Permit.
State law reference – T. C. A. § 6-54-135.

Secs. 7-556. – 7-579. Reserved.

SECTION 12. BE IT FURTHER ORDAINED, That this Ordinance shall take effect ninety (90) days from and after its passage as provided by law.

Passed on second and final reading:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

MJF/PAN/WAH/mms