ALTERNATE VERSION PROPOSED BY THE CITY ATTORNEY'S OFFICE

First Reading:_____
Second Reading:_____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, RELATIVE 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, 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 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 by deleting such section in its entirety and substituting in lieu thereof the following:

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

(a) The Animal Center ("Animal Center") shall provide 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 vaccination 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, be amended by adding the following definitions:

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. This definition shall specifically exclude "Companion Animal Events".

Animal Rescuer: Any Person that, not acting for profit, 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.

Board: As used in this Chapter, the Board is the Animal Control Board for the City of Chattanooga, as established in Article XIII of this Chapter.

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.

Companion Animal Events: Companion Animal Events include Companion Animal conformation shows or other similar events involving animals being judged, Companion Animal Performance events such as Obedience Trials, Agility Trials, Herding and Field Trials, and other similar events, and Companion Animal Athletic events such as Flyball Tournaments, Weight Pulls, Disc Dog competitions and other similar events.

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 or (iii) a Hobby Breeder.

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.

Hobby Breeder: A Person that is an active member of a recognized national, state or local breed organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of improving the breed or exhibiting dogs or cats at shows operated by a recognized national, state, or local breeder organization. A Hobby Breeder

may sell puppies or kittens from no more than two (2) litters per household per year. A Hobby Breeder that sells puppies or kittens from more than two (2) litters per household per year shall be deemed a Dealer. Upon request by an Animal Services Officer or the Animal Control Board, a Hobby Breeder must provide records demonstrating that they have not exceeded the sales limit set forth herein.

Kennel: Any building, structure, facility, premises 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. A Kennel does not include an Animal Rescuer, a Hobby Breeder 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.

Permit: As used in this Chapter, any of the animal-related permits authorized under Chapter 7 of the City Code.

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

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, be 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) Parainfluenza;

(4) Hepatitis;

(5) Canine parvo;

(6) Roundworm;

(7) Hookworm; and

(8) 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) Any of the specific requirements in subsection (a) or (c) above may be waived for a particular dog or cat if the seller of said animal obtains written documentation from a veterinarian licensed by the State of Tennessee stating that the administration of that particular vaccination or anthelmintic will jeopardize the health or welfare of the animal.

(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 within forty-eight (48) hours of the sale of the dog or cat, providing all information about the new owner that is required to effectuate the registration.

(f) No Person may 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, be 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 application for a Permit or the renewal thereof.

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

(c) All Permit fees shall be paid to the Animal Center. The Animal Center shall remit Permit fees to the City Treasurer not more than thirty (30) days after the fee is collected or as otherwise agreed to in writing by and between the City and the Animal Center.

Sec. 7-302. Validity and duration of Permit; compliance with all laws; Permits not available to violators of certain animal laws.

(a) Each Permit shall be valid for one year from the date of approval, whether by the Animal Center or 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 required by this Chapter is in addition to any other licenses or permits required by local, state or federal laws. In addition to complying with the

requirements set forth in this Chapter, a Permit applicant or holder also must comply with all zoning and other applicable laws and regulations.

(d) A Permit is valid unless revoked, suspended, voluntarily relinquished, or expired.

(e) A Permit that is invalid for any reason other than because it is expired shall be surrendered promptly to the Animal Center. Said Permit shall be returned in person or by certified mail, return receipt requested, to the Animal Center.

(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 for new Permit; 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 Places of Business used or intended to be used in connection with the business, activity or conduct for which the Permit is sought.

(b) The Permit application and fee must be submitted to the Animal Center. The Permit fee is due when the completed application is submitted. Applications will not be processed until the Permit fee is paid in full.

(c) After submission of the Permit application and fee, an Animal Services Officer shall conduct an inspection as provided herein to determine whether the applicant complies with all Standards and Requirements for a Permit provided in this Chapter as well as all other relevant conditions and provisions pertaining to said Permit. If the applicant so complies, the Permit shall be granted.

(d) The Director of the Animal Center, or an agent acting on the Director's behalf, shall promptly notify the applicant in writing whether the Permit is granted or denied.

(e) The Director of the Animal Center, or an agent acting on the Director's behalf, shall provide to the Animal Control Board, at its next regularly scheduled meeting, a list of all applicants who have applied for a Permit since the Board's last regular meeting, the submission date of the completed application and fee, and the status of the application (*i.e.*, approved, denied or pending). The Animal Control Board shall vote whether to approve or disapprove the Animal Center's grant or denial of each Permit. The Animal Center shall have available at the meeting copies of inspection reports for all Permits under consideration by the Board.

(f) If the Animal Control Board does not approve a Permit, the applicant may file a written appeal to the Board within twenty (20) days of the denial.

Sec. 7-304. Permit renewal process; 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 that a Person continues to engage in the business, activity or conduct for which such Permit is required. The renewed Permit shall be valid for one year from the expiration date of the current Permit.

(b) Any Permit holder seeking renewal of a Permit must complete a Permit renewal application in full, including a listing of all Places of Business used or intended to be used in connection with the business, activity or conduct for which the Permit is sought.

(c) The Permit renewal application and fee must be submitted to the Animal Center. The Permit fee is due when the completed renewal application is submitted. Renewal applications will not be processed until the Permit fee is paid in full.

(d) The Permit renewal application and fee must be submitted at least thirty (30) days prior to the expiration date of the current Permit. Any renewal applications submitted less than thirty (30) days before the expiration date of the current Permit shall be subject to a late fee of fifty dollars ($50.00).

(e) If a Permit lapses due to a Permit holder's failure to apply for a renewal Permit or to pay the renewal Permit fee in a timely manner and said Person engages, without a valid Permit, in business, activity, or conduct for which a Permit is required, said Person is in violation of this Chapter and may be subject to a hearing before the Animal Control Board, which shall consider such conduct in deciding whether to grant, deny, suspend or revoke a Permit.

(f) After submission of the Permit renewal application and fee, an Animal Services Officer shall conduct an inspection as provided herein to determine whether the applicant complies with all Standards and Requirements for a Permit provided in this Chapter as well as all other relevant conditions and provisions pertaining to said Permit. If the applicant so complies, the Permit shall be granted.

(g) The Director of the Animal Center, or an agent acting on the Director's behalf, will promptly notify the applicant in writing whether the Permit renewal is granted or denied.

(h) The Director of the Animal Center, or an agent acting on the Director's behalf, shall provide to the Animal Control Board, at its next regularly scheduled meeting, a list of all applicants who have applied for a Permit renewal since the Board's last regular meeting, the submission date of the completed renewal application and fee, and the status of the application (*i.e.*, approved, denied or pending). The Animal Control Board shall vote whether to approve or disapprove the Animal Center's grant or denial of each Permit renewal. The Animal Center shall have available at the meeting copies of inspection reports for all Permit renewals under consideration by the Board.

(i) If the Animal Control Board does not approve a Permit renewal, the applicant may file a written appeal to the Board within twenty (20) days of the denial.

Sec. 7-305. Inspections.

(a) To enforce the provisions of this Chapter regarding Permits, the City has the right to conduct inspections as provided herein of any Place of Business of a Permit holder or applicant. Such inspections shall be conducted by an Animal Services Officer during Regular Business Hours. 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.

(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 the entire Place of Business. Permit holders are not entitled to refuse an inspection. The refusal of an inspection may result in a hearing before the Animal Control Board and shall be considered grounds for the denial, suspension or revocation of a Permit.

(d) Unless otherwise specified, each Place of Business shall be inspected at least once per year, upon submission of an application for a Permit or the renewal thereof and the Permit fee.

(e) Animal Services Officers have the right to conduct reasonable random inspections of a Permit holder's Place of Business.

(f) During an inspection, an Animal Services Officer will determine whether the Permit holder or applicant is in compliance with all Standards and Requirements for the Permit as well as all other relevant conditions and provisions related to said Permit, as provided in this Chapter.

(g) An Animal Services Officer conducting an inspection has the right to inspect the Place of Business and all animals therein. Such inspection may include, but is not limited to, the following:

(1) Examining and making 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 laws. The Permit holder or applicant is required to produce upon request all said documents and materials;

(2) Inspecting and taking 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 the City Code or other applicable laws; and

(3) Questioning the owners, managers, employees or other animal care providers, as well as customers, patrons, visitors or others, at the Place of Business regarding the handling, care, treatment, health, safety, condition of and/or practices related to the animals.

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

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. The completed inspection report will constitute written notice of the violation.

(b) A violation of the Standards and Requirements for a Permit provided in this Chapter shall be grounds for the denial of a Permit or the renewal thereof if such application is currently pending.

(c) If a current Permit holder violates the Standards and Requirements for a Permit provided in this Chapter, the Animal Control Board shall be notified of the violation and provided a copy of the completed inspection report. The Permit holder has the right to have a hearing before the Animal Control Board before action is taken on the Permit.

(d) If the violation pertains to the health, safety or welfare of an animal, an Animal Services Officer may return to the Place of Business with a veterinarian currently licensed in the state of Tennessee to inspect the animals. 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 diagnose the animal.

Sec. 7-307. 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. 7-308. Hearings; notice.

(a) A hearing by the Animal Control Board shall be held for the following:

(1) Any Person who is denied a Permit or the renewal thereof and has timely appealed the denial.

(2) Any Person who faces suspension or revocation of a Permit.

(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. 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.

(c) The hearing will be held at the Animal Control Board's next regularly scheduled meeting if the completed inspection report is issued at least seven (7) business days before said meeting. If the completed inspection report is issued less than seven (7) business days before said meeting, then the Board may, in its discretion, hear the matter at its next subsequent regularly scheduled meeting or convene a special meeting to hear the matter prior to said meeting.

Sec. 7-309. Grounds for suspension or revocation of Permit.

(a) The Animal Control Board has the power to deny, suspend or revoke Permits issued under this Chapter, upon notice to the Permit holder and a hearing thereon, for a 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) Provides false information on an application for a Permit or the renewal thereof;

(3) Fails or refuses to allow an inspection or impedes or obstructs an Animal Services Officer during an inspection authorized under this Chapter;

(4) Does not comply with the Standards and Requirements for the Permit or any other relevant conditions or provisions related to the Permit, as provided in this Chapter;

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

(6) Violates any applicable local, state or federal laws or regulations;

(7) For due cause not specified herein.

(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 the Board has rendered a final decision.

Sec. 7-310. Reapplying for a Permit.

(a) If, after a hearing, the Board upholds the Animal Center's denial of a Permit or the renewal thereof, the applicant may reapply for a Permit by starting the application process again, including submitting a new Permit fee.

(b) If, after a hearing, the Board revokes a Permit, the Person whose Permit was revoked may not reapply for that type of Permit for a minimum of one (1) year from the date of the decision to revoke. After that period, the Person may reapply for a Permit by starting the application process again, including submitting a new Permit fee.

Sec. 7-311. 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 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. 7-312. 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. 7-313. 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. 7-314. – 7-339. Reserved.

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

ARTICLE XV. DEALER PERMITS

Sec. 7-340. Purpose.

The purpose of requiring a Dealer Permit is to protect the 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. 7-341. Dealer Permit required; Permit to be on display.

(a) A Dealer must have a valid Dealer Permit for each of its stores or Places of Business located within the City. Every individual store operating as part of a chain of stores must have its own individual Permit.

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

(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. 7-342. Permit fee.

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

Sec. 7-343. 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;

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

(3) Comply with all provisions regarding inspections set forth in this Chapter;

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

(5) Provide, with respect to each animal sold or otherwise transferred, the following information, in writing, to the purchaser or consumer of said animal:

(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 vaccinations (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. 7-344. – 7-379. Reserved.

SECTION 7. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, be 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, safety 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; must be displayed.

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

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

Sec. 7-382. Permit fee; exemption for certain nonprofit organizations; Hobby Breeders excluded.

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

(b) A nonprofit organization that trains service animals is required to have a Kennel Permit but is exempt from paying the Permit fee.

(c) A Hobby Breeder, as defined in Section 7-2, is not required to have a Kennel Permit.

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;

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

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

(4) Comply with all provisions regarding inspections set forth in this Chapter;

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

(6) Provide, with respect to each animal sold or otherwise transferred in the regular course of business, the following information, in writing, to the purchaser or consumer of said animal:

(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 vaccinations (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, be 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 performance, show, 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 in the City is required to obtain an Animal Performance Permit in advance.

(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 laws.

Sec. 7-422. Permit fees based on categories; duration of Permit; not renewable.

(a) There are four categories of Animal Performance Permits, each of which is based on the number of animals owned, kept or maintained for use 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) An Animal Performance Permit shall state the dates for which it is valid. It will expire at 11:59 p.m. on the final date for which it is valid.

(c) With the exception of Permits issued pursuant to Section 7-428, 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, manager or agent of any auditorium, theater or other facility open to the public in which any Person intends to have an Animal Performance has a duty to:

(1) Notify the Animal Center at least thirty (30) calendar days in advance of such performance. Said 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; and

(2) Allow and enable Animal Services Officers to conduct at any reasonable time any inspections authorized under this Chapter.

(b) Failure to report an Animal Performance or to allow or enable inspections as provided in this Section may result in a citation to City Court and, upon conviction, a fine of not more than fifty dollars ($50.00) per citation.

(c) The duty to report Animal Performances imposed by this Section is separate and distinct from the requirements on an Animal Performance Permit holder or applicant.

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

The provisions of Article XIV establishing General Provisions for Permits apply to Animal Performance Permits, except as otherwise specified herein or where the provisions are in conflict. In the event of a conflict between provisions in Article XIV and this Article, the provisions in this Article control. Variations from the General Provisions for Permits are necessary due to the nature of Animal Performances and the limited time in which an animal may be in the City for purposes of an Animal Performance.

Sec. 7-425. Application process.

(a) Any Person seeking an Animal Performance Permit must complete a Permit application in full and submit the Permit fee as provided in Section 7-303. The applicant must list in the application each building, structure, facility, premises or property where each animal that may be used or may participate in the Animal Performance is being or will be kept, taken or maintained while in the City for purposes of the Animal Performance as well as the dates and times of all Animal Performances to be held in the City.

(b) The Permit application must be submitted to the Animal Center at least thirty (30) days in advance of the Animal Performance. When the application is submitted to the Animal Center, the applicant also must submit either the Permit fee or a request for an exemption from paying the Permit fee based on one of the specified exemptions provided in Section 7-427. Applications will not be processed without the Permit fee or a request for an exemption made in good faith.

Sec. 7-426. 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, used or otherwise kept for purposes of the Animal Performance;

(2) Maintain all facilities or premises where animals are maintained, used or kept 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 maintained, used or kept for purposes of the Animal Performance as well as the facility or premises where the Animal Performance is to be held, if within said Person's control;

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

(5) Comply with all provisions regarding inspections set forth in this Chapter.

(b) An applicant for an Animal Performance Permit must allow one (1) or more Animal Services Officers to be present at each Animal Performance and for the arrival and departure of each animal 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. 7-427. Nonprofits exempt from Permit fees; no Permit required for certain equine activities and judging of animals.

(a) All Persons required to have an Animal Performance Permit must apply for said Permit in accordance with the provisions of this Chapter. Notwithstanding, churches, schools, and civic, fraternal, veterans or nonprofit charitable organizations are exempt from paying the Permit fee. The exemption is 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 this Section, 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 this Section.

(b) 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.

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

Sec. 7-428. Animal rides for compensation.

(a) 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 owned, maintained, used or kept 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 animal rides within the City during that one-year period.

(b) Permits issued under this Section may be renewed by following the renewal process provided in Section 7-304.

(c) Permits issued under this Section are subject to inspections as provided in in Section 7-305.

Sec. 7-429. Inspections.

(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 may inspect the following:

(1) Each animal that is kept, used or maintained for purposes of the Animal Performance;

(2) The building, structure, facility, premises or property where the Animal Performance will occur; and

(3) Each building, structure, facility, premises or property where the animals are being or will be kept, used or maintained for purposes of the Animal Performance.

(c) In the course of an inspection, an Animal Services Officer is authorized to inspect, at any reasonable time, the following with respect to each animal that is kept, used 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 vaccinations, if applicable; and

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

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

(e) Upon completion of the inspection, an Animal Services Officer shall provide the Permit applicant with a copy of the completed inspection report.

Sec. 7-430. Denial of Permit; further legal action; Show Cause hearing; factor in future decisions.

(a) If, prior to the first Animal Performance, the applicant does not or cannot remedy deficiencies found during the inspection so as to comply with the Standards and Requirements for an Animal Performance Permit and all other conditions for said Permit provided in this Article, then the Permit shall be denied.

(1) 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.

(2) The Animal Control Board and the Office of the City Attorney may take any action as provided by law.

(b) If the Animal Performance is held despite the denial of the Permit, the Animal Control Board shall hold a hearing to allow the applicant to show cause why the Permit should not have been denied.

(c) 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. 7-431. Surrender of Permit fee.

Any fees submitted to obtain an Animal Performance Permit shall be deemed surrendered, regardless whether the Permit is denied, the Animal Performance does not occur or fewer performances than anticipated occur.

Secs. 7-432. – 7-459. Reserved.

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

ARTICLE XVIII. ANIMAL RESCUER PERMITS

Sec. 7-460. Purpose.

The purpose of requiring an Animal Rescuer 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 animals and placing them in permanent homes.

Sec. 7-461. Permit required, available for viewing.

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

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

Sec. 7-462. No Permit fee.

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

Sec. 7-463. Standards and Requirements for an Animal Rescuer Permit.

(a) Any Person seeking to obtain or renew an Animal Rescuer 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) Comply with all relevant provisions of the City Code and all applicable state and federal laws and regulations;

(4) Comply with all provisions regarding inspections set forth in this Chapter;

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

(6) Provide, with respect to each animal placed for adoption or otherwise transferred, the following information, in writing, to the adopter of said animal:

(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 vaccinations (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.

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

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

Sec. 7-464. City license required after one year.

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

Secs. 7-465. – 7-489. Reserved.

SECTION 10. BE IT FURTHER ORDAINED That Chattanooga City Code, Chapter 7, be amended by adding Article XIX, Dogs in Outdoor Dining Areas Permits, as follows:

ARTICLE XIX. DOGS IN OUTDOOR DINING AREAS PERMITS

Sec. 7-490. 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 allow dogs in outdoor dining areas while providing adequate controls to ensure compliance with health, safety and other relevant statutes.

Sec. 7-491. Permit required; applies to pet dogs only.

(a) A Dogs in Outdoor Dining Areas Permit is required before a restaurant may allow a pet dog in its outdoor dining area.

(b) For purposes of this Article, "pet dog" means a dog other than a guide dog or service animal as defined in Section 7-2, including dogs in training to be service animals that are under the control of a credentialed service animal trainer.

Sec. 7-492. Permit fee.

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

Sec. 7-493. Application process; notarized certification required.

(a) The owner of any restaurant that maintains an outdoor dining area, or an agent acting on the owner's behalf, may apply for a Permit authorizing pet dogs to be

present in the restaurant's outdoor dining area by following the process provided in Article XIV.

(b) An application for a Dogs in Outdoor Dining Areas Permit or the renewal thereof must include the following:

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

(2) A notarized certification signed by the applicant stating that said applicant:

(i) Is aware of and will abide by all laws, ordinances, rules and regulations pertaining to permitting dogs in outdoor dining areas;

(ii) Complies with all Standards and Requirements set forth in Section 7-494; and

(iii) Has trained or will train all restaurant employees who work or will work in the restaurant's outdoor dining area, prior to their working in said area, on the Standards and Requirements set forth in Section 7-494.

Sec. 7-494. Standards and Requirements for a Dogs in Outdoor Dining Areas Permit.

A Dogs in Outdoor Dining Areas Permit is subject to the following standards and requirements:

(a) All pet dogs brought into a restaurant's outdoor dining area must have affixed to the dog's collar a current rabies vaccination tag and, for those dogs that reside within City limits, a current City license tag.

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

(c) Pet dogs shall not be permitted to travel through indoor or non-designated portions of the restaurant. Ingress and egress to the designated outdoor portions of the restaurant shall not require entrance into or passage through any indoor area of the restaurant.

(d) 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 in the restaurant.

(e) All restaurant employees must 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 restaurant.

(f) 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.

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

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

(i) 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 appropriate product. A kit with the appropriate materials to accomplish this purpose shall be furnished by the restaurant and kept in or near the designated outdoor dining area.

(j) A sign reminding employees and patrons of the applicable rules must be posted in a visible location in the outdoor dining area.

(k) The restaurant's owner or agent must inform all restaurant employees about the Standards and Requirements of the Permit and provide adequate training and supervision to ensure that employees follow said Standards and Requirements.

Sec. 7-495. Inspections.

(a) An applicant for a Dogs in Outdoor Dining Areas Permit is not subject to an inspection of the premises before the Permit is issued or renewed, provided that the proper certifications required by Section 7-493 are submitted with the application for the Permit or the renewal thereof.

(b) Any premises that has a Dogs in Outdoor Dining Areas Permit is subject to random inspections of the premises, as provided in this Chapter.

Sec. 7-496. Compliance with other laws; cooperation with government bodies.

A Dogs in Outdoor Dining Areas Permit holder must comply with all applicable statutes, ordinances, rules and regulations and 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. 7-497. Advertising as "pet-friendly."

Only restaurants that have a valid Dogs in Outdoor Dining Areas Permit may advertise or promote themselves as being "pet-friendly" or otherwise state or suggest that animals (excluding service animals) are allowed on the premises.

Sec. 7-498. Enforcement; violations.

(a) Obligations imposed by this Chapter on the restaurant or the employees thereof shall be enforced against the owner(s), agent(s) and/or employee(s) responsible for the violation.

(b) Obligations imposed by this Chapter 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.

(c) Obligations that may reasonably be construed as being imposed against either the owner of or person responsible for a pet dog or the owner(s), agent(s) and/or employee(s) of the restaurant may be enforced against the owner of or person responsible for the pet dog or the owner(s), agent(s) and/or employee(s) responsible for the violation or both.

(d) A violation of this Article by the holder of the Permit may result in 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. In addition, a violation of this Chapter may result in a citation to City Court and, upon conviction, a fine not to exceed fifty dollars ($50.00) for each offense.
State law reference – T. C. A. § 6-54-135.

Secs. 7-499. – 7-539. Reserved.

SECTION 11. 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