ORDINANCE NO. 941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE DELETING TITLE 10, ANIMAL CONTROL, IN ITS ENTIRETY AND REPLACING IT WITH A NEW TITLE 10 ANIMAL SERVICES

WHEREAS, the City Council of the City of East Ridge deems it necessary and desirable to restate in its entirety Title 10 of the City Code of the City of East Ridge relative to Animal Services.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of East Ridge, Tennessee that Title 10, Animal Control is hereby deleted in its entirety and replaced with a new Title 10, Animal Services as follows:

TITLE 10

ANIMAL SERVICES

DEFINITIONS
CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.
3. DANGEROUS DOGS
4. BARKING DOGS
5. ANIMAL EUTHANASIA

DEFINITIONS

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

***Adequate care*:** The reasonable practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health. "*Adequate care*" includes adequate feed, adequate water, adequate exercise, adequate shelter, adequate space and adequate veterinary care, as those terms are defined in this article

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

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

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

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

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

Adequate space: Sufficient space to allow each animal (i) to easily stand, sit, lie, turn about and make all other normal body movement in a comfortable, normal position for the animal and (ii) to interact safely with other animals in the enclosure. Outside runs must be a least 10 feet long and 36 inches wide for dogs weighing up to 45 pounds, and at least 10 feet long and 48 inches wide for dogs weighing 45 pounds or more. When an animal is tethered, "*adequate space*" means a tether that permits the above actions and is (i) appropriate to the age and size of the animal; (ii) attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal; and (iii) at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space, provided, however, that no animal shall be tethered for more than a reasonable period.

Adequate veterinary care: Provision of medical care to alleviate suffering, prevent disease transmission and maintain health as well as provision of available care to prevent diseases through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.

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

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

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

Ambient temperature: The temperature surrounding the animal.

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

Animal hoarder: A person who possesses a large number of animals and who (i) keeps animals in severely overcrowded conditions where they are unable to be in a state of good health; (ii) displays the inability to recognize or understand the nature of, or has reckless disregard for, the conditions of the animals; or (iii) lives in unsanitary, unhealthful or

potentially dangerous conditions and fails to or is unable to provide the animals with adequate care as defined in this chapter.

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

Animal Services Division: The Division of City of East Ridge government that is responsible for enforcing all City and State laws and codes pertaining to animals, and operating the Animal Shelter.

Animal shelter: A humane shelter for animals.

At large: An animal that is not (i) contained behind an adequate fence; (ii) confined within an adequate enclosure; (iii) under the control of a person physically capable of restraining the animal; or (iv) controlled by a leash or tether no more than six (6) feet in length and appropriate for the size, age and weight of the animal.

Attack: Acts by an animal off its owner's property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression. "*Attack*" does not include any actions by an animal in defense of itself, its owner or another person or against aggression by any person or animal.

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

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

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

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

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

Dangerous Dog: Any dog that has been so designated pursuant to Title 10 Chapter 3.

Animal Services Supervisor: The senior-most officer of the Animal Services Division who is responsible for supervising staff and managing the daily operations of the ASD and the Animal Shelter.

Dog: Any member of the animal species *Canis familiaris* or any animal which is a cross of any of any animal that is a member of the *Canis familiaris* species, not including wolf/dog crossbreeds and wolf hybrids.
Domestic animal: Any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.

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

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

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

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

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

Impound: The taking into custody of an animal by the Animal Services Division.

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

Licensed veterinarian: A person licensed by a state agency or board to practice veterinary medicine.

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

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

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

Owner: Any person, group of persons, corporation, organization or association (excluding the Animal Services Division, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:
(a) Has a property right in an animal;
(b) Keeps or harbors an animal;
(c) Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or
(d) Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or with permission of the true owner of the animal.

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

Potentially Dangerous Dog: Any dog that has been so designated pursuant to Title 10 Chapter 3.

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

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

Proper enclosure: A place in which a companion animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the companion animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the companion animal from escaping and shall also provide protection for the companion animal from the elements. The enclosure shall be of suitable size for the companion animal.

Properly restrained: An animal that is (i) kept within a proper enclosure; (ii) controlled by a competent person by means of a chain, leash, or other like device not to exceed six (6) feet in

length; or (iii) secured within or upon a vehicle being driven or parked. "*Properly restrained*" within or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

Provoke: To goad, inflame, instigate or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.

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

(a) Damages, soils or defiles community or neighborhood private property or public property;

(b) Turns over garbage containers or damages flower or vegetable gardens;

(c) Causes unsanitary or offensive conditions;

(d) Impedes the safety of pedestrians, bicyclists, or motorists;

(e) Is allowed to remain an unaltered free-roaming cat; or

(f) Meets the requirements of a "barking dog" as specified in Article IV of this chapter.

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

Relinquish: Giving up all rights to an animal, thereby making it the property of the Animal Services Division.

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

Seizure: See "*Impound.*"

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

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

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

Tether: The restraint and confinement of an animal by use of a restraint device.

Under control: An animal that is (i) securely confined in a fenced enclosure on the property of the owner or keeper of the animal such that the enclosure prevents the animal from leaving the property; (ii) located on the property of the owner or keeper of the animal and secured by means of a leash or tether which prevents the animal from leaving the property; or (iii) secured by means of a leash held by a person of suitable age and discretion.

CHAPTER 1

IN GENERAL

SECTION

10-101. Running at large prohibited.
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Cruelty to animals.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Seizure and disposition of animals.
10-107. Bird sanctuary.
10-108. Violation and penalty.
10-109. Adoption of animals. **(Deleted and replaced with 10-232)**

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1993 Code, § 3-101, modified)

10-102. Keeping near a residence or business restricted. Except in agriculture zones swine and goats are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. (1993 Code, § 3-102, modified)

10-103. Pen or enclosure to be properly cleaned. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1993 Code, § 3-105, modified, Revised, 2013)

10-104 Cruelty to Animals

(a) A person commits an offense who intentionally, knowingly, and/or by omission:

(1) Tortures, maims or grossly overworks an animal.

(2) Fails unreasonably to provide adequate food, water, shelter, space, ventilation, and/or care for an animal in the person's custody.

(3) Abandons unreasonably an animal in the person's custody.

(4) Transports or confines an animal in a cruel manner including, but not limited to, keeping an animal in a vehicle or other type of conveyance without adequate ventilation and enclosing any animal in the trunk of a vehicle,

(5) Inflicts burns, cuts, lacerations or other injuries or pain by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(6) Inflicts burns, cuts, lacerations or other injuries or pain by any method to any animal.

(7) Teases, molests, baits, provokes or in any way torments any animal.

(8) Neglects an animal in any way as defined in Title 10 of the City code.

(b) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.

(c) Any Animal Services Officer or police officer shall rescue any animal which is being confined in violation of subsection (a) (4) of this section and shall issue a court citation to the owner of the animal or to the appropriate person who is responsible for any such inhumane animal treatment.

(d) Whenever any animal is kept within any building or on any premises without food, water, shelter, adequate space and ventilation, proper sanitation or proper care and attention, it shall be the duty of any animal services officer or police officer to enter such building or premises to take possession of and remove such animal. Such entry shall be affected in accordance with (10-233).

(e) Any animal confiscated under this section may be taken to a veterinarian for immediate treatment, and any expenses incurred for veterinary care and treatment shall be the responsibility of the owner.

(f) It shall be unlawful for any person having charge of livestock or exotic animals, to fail to furnish or cause not to be furnished to such livestock or exotic animals water and food at least once in every twelve (12) hours.

(g) It shall be unlawful for a person to knowingly tie, tether, chain or restrain an animal in a manner that results in the animal suffering bodily injury, pain or discomfort, including the use of tethers, chains, etc. that are too short and restrict adequate space or too heavy (logging type chains, etc.) and inhibiting normal movement. **(Revised, 2013)**

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1993 Code, § 3-106)

10-106. Seizure and disposition of animals. Any animal, fowl or reptile, (hereafter referred to as an animal), found running at large or otherwise being kept in violation of this chapter may be seized by any animal services officer or police officer and confined in an animal shelter provided or designated by the city council. If the animal is properly identifiable, or the owner is known, he shall be given notice in person, by telephone, or by written notice. Tagged animals will be retained for a period of five (5) working days. Notice of the animal's impoundment shall be posted at the animal shelter. If not claimed by the owner, the animal may be offered for adoption or humanely euthanized in accordance to State and City code. If the animal is not identified with the required identification tags, or the owner is not known or cannot be located, the animal shall be declared a stray and a notice describing the impounded animal or fowl will be posted at the animal shelter with a general description of the animal, date of impoundment, and date of planned disposition. The animal shall be retained for a period of three (3) working days and then offered for adoption or humanely euthanized in accordance with State and City code.

The Animal Services Division shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (Revised, 2013)

10-107. Bird sanctuary. The entire area embraced within the city is hereby designated as a sanctuary for wild birds. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or to rob any bird's nest. When any species of wild bird is found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, and if such are declared by qualified authorities to be creating a public nuisance and the city council is so informed, appropriate action may be taken by duly constituted officials after a thorough investigation. Trapping or killing of such birds shall not be resorted to unless Audubon Societies, bird clubs, garden clubs or humane societies are unable to find a satisfactory alternative. (1993 Code, § 3-113, modified)

10-108. Violation and penalty. Any violation of any section of the chapters contained within Title 10 of the East Ridge Municipal Code shall subject the offender to a penalty of up to fifty dollars ($50) for each offense. Each day the violation shall continue shall constitute a separate offense. (Revised, 2013)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Registration of animals.
10-202. Who is deemed an owner.
10-203. License tag.
10-204. Running at large prohibited.
10-205. Harboring or taking possession of dogs and cats at large.
10-206. Inoculation required.
10-207. Prerequisite to license.
10-208. Records required; tags.
10-209. Dogs shall wear tags.
10-210. Vicious dogs to be securely restrained.
10-211. Noisy dogs prohibited. (Deleted and replaced with Title 10 Chapter 4)
10-212. Female dogs to be confined while in heat.
10-213. Seizure and disposition of dogs and cats.
10-214. Notice of impounding to owner of registered dogs and cats.
10-215. Redemption of impounded dogs and cats by owner.
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10-217. Disposition of unclaimed dogs and cats.
10-218. Apprehension and disposition of rabid animals and suspects generally.
10-219. Quarantine of animal inflicting bite, suspected of biting, or suspected of being rabid.
10-220. Destruction or quarantine of animals in contact with rabid animals.
10-221. Report required when person is bitten by animal.
10-222. Veterinarians to report results of examination of animal which has bitten a person.
10-223. Forwarding head of rabid or suspected animal to state health department.
10-224. Surrender and examination of carcasses of animals.
10-225. Abandoned animals at rental properties of all types
10-226. Safety of animals in parked cars
10-227. Animal defecation prohibited where.
10-228. Safety of animals in motor vehicles
10-229. Seizure of animals at large upon return to owner's property
10-230. East Ridge Leash Law
10-231. Sale or barter of live animals: flea markets and curbside sale prohibited
10-232. Adoption of Animals
10-233. Inspections
10-234. Maximum number of animals per household; Multiple Pet License established
10-235. Continuing care fee required
10-236. Authority to prevent acts of cruelty; unlawful interference with officers performing their duties

10-201. Registration of animals.
(a) All residents owning, keeping, or harboring any dog or cat over six (6) months of age and spayed/ neutered shall pay to the city a yearly registration fee of ten dollars ($10.00) for each animal. Any resident owning, keeping, or harboring any dog or cat over six (6) months of age that is not spayed/ neutered shall pay the city a yearly registration fee of twenty five dollars ($25.00). Individual animal registration fees are waived for approved multiple pet license or breeder permit holders, as provided hereinafter.

(b) Upon receipt of the registration fee required by subsection (1) and the production of any unexpired certificate of rabies vaccination, the East Ridge Animal Services Division shall issue a registration certificate to the owner of the dog or cat, giving the owner's name, date issued, amount paid, description, name, age and sex of the dog or cat, the registration tag number issued, the date the dog or cat was vaccinated.

(c) At the time a registration certificate is issued under subsection (2), the East Ridge Animal Shelter shall also deliver a registration tag bearing the serial number of the registration certificate and the year in which it was delivered. The color and/or shape of the tag may be changed every year and it shall be the duty of every owner to provide each dog or cat for which a tag is issued with a collar or harness to which the registration tag must be affixed and such owner shall see that the collar or harness is worn by the dog or cat at all times.

(d) It shall be unlawful for any person owning, keeping, or harboring an animal within the city to fail to register such animal as required by this section. (Ord. #548, April 1993) (modified 2013)

10-202. Who is deemed an owner. If any dog or cat is found on the premises of any person for a period of ten (10) days or more, this shall be prima facie evidence that such dog or cat belongs to the occupant of such premises. Any person keeping or harboring a dog or cat for ten (10) consecutive days, shall, for the purposes of this title, be declared to be the owner thereof and liable for violations of this chapter. (Ord. #548, April 1993)

10-203. License tag. The Animal Services Division shall issue a metal license tag for each dog and cat registered as provided herein; marked "Registered, 20__, City of East Ridge, No. _____." Such tag shall be fastened to the dog's collar and worn by the dog when off the premises of its owner or custodian. It shall be unlawful for any person to use a tag on a dog or which such tag was not issued. (Ord. #548, April 1993, modified)

10-204. Running at large prohibited. It shall be unlawful for any person to allow any dog belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go upon the premises of another, or upon any public street or sidewalk or other public property in the city, unless such dog is attended by the owner or his representative or under the immediate control of such owner or representative. To be deemed under control, as provided herein, such dog shall not be more than fifty (50) feet away from the owner or representative and immediately responsive to his call. Any dog found running at large in violation of this section and unregistered, whether or not in violation of this section, is declared to be a nuisance and liable to seizure and disposal as provided in this chapter. (Ord. #548, April 1993)

10-205. Harboring or taking possession of dogs or cats at large. It shall be unlawful for any person in the city to harbor or keep in his possession or under his control any dog or cat, whether or not tagged and registered, found running at large, except for the purpose of notifying the Animal Services Division or the owner and holding such dog or cat until the ASD or owner demands it.

Any person taking possession of any dog or cat shall, within twenty-four (24) hours thereafter, notify the Animal Services Division or owner of his action and advise the ASD where such dog or cat may be found. (Ord. #548, April 1993)

10-206. Inoculation required. Any person who owns, keeps or harbors a dog or cat within the city shall have such dog or cat properly inoculated or immunized against rabies in accordance with State law. Any person who obtains an uninoculated dog or cat shall at once have such dog or cat properly inoculated against rabies and have such inoculation repeated yearly; provided that, dogs or cats need not be inoculated before reaching the age of three (3) months; provided further that, the provisions of this section shall not apply to nonresidents of the city traveling through or temporarily staying in the city for a period of not more than thirty (30) days, nor to persons bringing dogs or cats to the city exclusively for show or exhibit purposes; provided further that, the owner of such dogs or cats shall keep them confined. No person shall bring a dog or cat into the city for the sale, exchange or other disposition unless such dog or cat has been inoculated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog or cat has in his possession a certificate of the person making the vaccination or inoculation. (Ord. #548, April 1993)

10-207. Prerequisite to license. No dog or cat license required by this article shall be issued for any dog or cat unless the owner thereof furnishes a valid certificate that such dog or cat has been inoculated or immunized against rabies within the previous twelve (12) months. (Ord. #548, April 1993)

10-208. Records required; tags. Any person who inoculates or re-inoculates a dog or cat against rabies shall keep a record of such inoculation or re-inoculation, which record shall be subject to inspection by the health officer or his representatives, and shall provide the owner of the dog or cat with an approved tag, which shall have thereon, indelible or engraved, the year of the inoculation and a number which shall correspond with the number on the record kept by the person inoculating or re-inoculating such dog or cat. Such inoculation tag shall be securely fastened to the collar worn by the dog. (Ord. #548, April 1993)

10-209. Dogs shall wear tags. It shall be unlawful for any person to own, keep or harbor any dog which does not wear tags evidencing the vaccination or inoculation and registrations required by the preceding sections.

10-210. Vicious dogs to be properly restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (Ord. #548, April 1993)

10-211. Deleted and replaced with Title 10 Chapter 4

10-212. Female dogs to be confined while in heat. Every owner of a female dog is required to confine such female for the period during which time she is in heat in such a manner so as not to create a nuisance. (Ord. #548, April 1993)

10-213. Seizure and disposition of dogs and cats. The Animal Services Division may seize and impound any dog or cat found running at large or otherwise being kept in violation of this chapter as provided in § 10-106; provided that, if any dog or cat so found is sick, injured or of a vicious nature, the Animal Services Supervisor may humanely destroy such dog or cat immediately. If, in the attempt to seize any dog or cat, it becomes impossible to secure it by hand or device, the Animal Services Supervisor, if convinced that the seizure of the dog or cat is necessary to the public welfare and safety, may have it destroyed by having an East Ridge police officer or other authorized officer shoot it, provided such officer is close enough to the animal to kill it humanely and so far removed from any bystander that no human life may be imperiled by the act. (Ord. #548, April 1993, modified) (Revised, 2013)

10-214. Notice of impounding to owner of registered dog or cat. If any dog or cat seized as provided in this article is registered, the Animal Services Division shall give notice as provided in § 10-106 to the owner given on the registration record, within twenty-four (24) hours after the seizure of such dog or cat. (Ord. #548, April 1993)

10-215. Redemption of impounded dogs and cats by owner. In no event shall a dog or cat be released from the pound unless it has been properly registered and vaccinated in accordance with this chapter and has appropriate tags. The owner of a dog or cat may claim and redeem it upon payment of an impoundment fee of twenty-five dollars ($25.00), plus board for each day such dog or cat is detained at the rate of four dollars ($4.00) per day in addition to reimbursement for any damages caused by the impoundment; provided, however, that upon the second and subsequent offenses, the above impoundment fee shall be fifty dollars ($50.00) in addition to the board of four dollars ($4.00) per day plus any damages caused by the impoundment as set forth above. Under certain circumstances, including but not limited to persons unlawfully relinquishing animals at the animal shelter, the Animal Services Supervisor is authorized to waive fees. (Ord.#548, April 1993, modified) (Revised, 2013)

10-216. section deleted (irrelevant)

10-217. Disposition of unclaimed dogs and cats. Any registered dog or cat impounded shall be kept for a period of five (5) days after notice to the owner, and if not redeemed within such period, may be humanely destroyed or otherwise disposed of as provided in this title. Any unregistered dog or cat impounded shall be kept for three (3) days and if not claimed or redeemed, shall be humanely destroyed or otherwise disposed of as provided for in this title. Owner relinquished animals are immediately available for the foregoing disposition.
(Ord. #548, April 1993) (Revised, 2013)

10-218. Apprehension and disposition of rabid animals and suspects generally. All dogs, cats and other animals capable of being infected with rabies, which are rabid or believed to be rabid, shall be immediately reported to the Animal Services Division. Such dogs or other

animals shall be taken up and impounded if this can be safely accomplished. If it is necessary to destroy the dog or other animal for the safety of the community, every effort shall be made to avoid damage to the brain of the dog or other animal. (Ord. #548, April 1993)

10-219. Quarantine of animal inflicting bite, suspected of biting, or suspected of being rabid. When any dog, cat, or other animal capable of being infected with rabies has bitten any person, is suspected of having bitten any person, or is suspected of being infected with rabies, the East Ridge Animal Shelter shall cause such dog, cat, or other animal to be quarantined for such time as he may deem necessary, but not for less than ten (10) days from the day the person was bitten. No such animal shall be killed or destroyed or removed from the city, except upon authorization of the East Ridge Animal Shelter or its duly authorized representative. Only dogs, cats, and other animals which appear well shall be released from quarantine or impoundment. No person shall hide, kill, conceal or aid or assist in hiding, killing or concealing any such animal defined in this section or shall conceal or permit the same to be removed from the city for the purpose of preventing its quarantine as provided herein. (Ord. #548, April 1993)

10-220. Destruction or quarantine of animals in contact with rabid animals. All dogs and other animals capable of being infected with rabies that have come in contact with a rabid dog or other animal shall be destroyed by a humane method or shall be quarantined and/or vaccinated as follows:

(a) If no vaccination has been given within the previous period of twelve (12) months, the dog or other animal may be vaccinated and then quarantined for ninety (90) days.

(b) If vaccinated within the previous twelve (12) months, the dog or other animal shall be revaccinated and then quarantined for thirty (30) days.

(c) There shall be placed in a conspicuous place in plain view of all entrances to the place of quarantine under this section a placard on which shall be printed, in letters not less than (2) inches high, the word "Rabies-Quarantine." Such quarantine shall be at the expense of the owner. The place of quarantine shall be cleaned and disinfected to the satisfaction of the East Ridge Animal Shelter. (Ord. #548, April 1993)

10-221. Report required when person is bitten by animal. When a person is bitten by a dog or other animal capable of being infected with rabies, prompt report of such bite shall be made to the East Ridge Animal Shelter. Such report shall be made by any physician attending the person bitten, or, if such person is received at a hospital or dispensary for treatment, the report shall be made by the person in charge of the hospital or dispensary. The report shall contain information required by the East Ridge Animal Shelter. When a physician was not consulted or the person not taken to a hospital or dispensary, the report shall be made by the person bitten or any other person who has knowledge of the facts surrounding such incident. (Ord. #548, April 1993)

10-222. Veterinarians to report results of examination of animal which has bitten person. Whenever a veterinarian is called upon to examine a dog or other animal that has

bitten a person, he shall promptly report the results of his examination to the East Ridge Animal Shelter. (Ord. #548, April 1993)

10-223. Forwarding head of rabid or suspected animal to state health department. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the East Ridge Animal Shelter shall send the head of such animal to the state health department for pathological examination.

10-224. Surrender and examination of carcasses of animals. The carcass of any dead animal found within the city shall, upon demand, be surrendered to the East Ridge Animal Shelter for examination if, in the opinion of the East Ridge Animal Shelter, such examination is necessary or advisable.

10-225. Abandoned animals at rental properties of all types. With regard to any landlord or property owner that allows a renter or lessee to have pet(s) on the landlord's property, such landlord or property owner of rental property of whatever nature, whether hotel, motel, apartment, duplex or otherwise, cannot surrender an abandoned animal to East Ridge Animal Services without charge. As the landlord/property owner allowed the renter or lessee to have a pet or pets on the property, the property owner or landlord is responsible for the animals left behind, and a surrender fee of thirty-five ($35.00) dollars per animal will be required to surrender any animal or animals left on their property. If a property owner or landlord abandons animals, then the property owner or landlord shall be cited for animal cruelty.

10-226. Safety of animals in parked vehicles. No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. An animal services officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered. Although officers shall make every attempt to locate animal's owner, if animal is in immediate distress, a police officer or animal services officer must continue to find the owner while the animal is transported to nearest veterinary hospital.

(a) The animal shall be transported to the nearest veterinary hospital to be evaluated for heat related illnesses.

(b) The owner shall be issued a citation for Animal Cruelty.

(c) The owner shall be responsible for all fees charged for the care of the animal.

(d) Officers involved in extracting the animal from the vehicle shall not be held responsible for any damages to vehicle or articles left inside the vehicle.

10-227. Prohibition of animal defecation. It is unlawful for the owner of any animal to allow or permit such animal to defecate on any public property or improved private property, without immediately cleaning up and disposing of such waste. It is the responsibility of the animal's owner to properly dispose of any solid waste resulting from an act in violation of this section.

10-228. Safety of animals in motor vehicles. No person shall transport or carry on any public highway or public roadway any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle, or if traveling in an unenclosed vehicle (including, but not limited to, convertibles, pick-up and flat-bed trucks) shall be confined by a container, cage or other device that will prevent the animal from falling from or jumping from the motor vehicle.

10-229. Seizure of dogs at large upon return to owner's property. Upon witnessing a dog at large return to its legal property, East Ridge Animal Services officers may impound such animal if in the opinion of the officer:

(a) There is no secure way to confine the animal to the owner's property; or

(b) The animal could present a danger to the public, traffic or other domestic animals if left until the owner returned home.

At the time of impoundment, a notice of impound shall be posted in a conspicuous place visible to the animal's owner.

10-230. East Ridge Leash Law. It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the city limits of East Ridge. All dogs must be properly restrained by a leash or such device when not on property owned by the animal's owner. No dog shall be allowed to run loose from its owner's property, and no dog shall be allowed to relieve itself in a neighbor's yard/property.

(a) No person walking a dog shall allow such dog under that person's control to go upon the property of another without consent from such property owner. The owner of said animal shall be responsible to pay for the repairs of any destruction done by the dog to the other's property.

(b) All dogs shall be leashed while at Camp Jordan Park; and no dog shall be allowed to run loose therein.

If found in violation of this chapter, punishment with a fine of no more than twenty- five ($25.00) dollars.

10-231. Sale or barter of live animals: flea markets prohibited.
(a) It shall be unlawful for any person to willfully sell, display, or offer for sale, or give away as part of a commercial transaction, a live animal on any street, highway, public right-of-way, commercial parking lot, hotel, motel, or at any outdoor special sale, swap meet, flea market, parking lot sale, or carnival.

(b) A notice describing the charge and the penalty for a violation of this section may be issued by any police officer or animal services officer.

(c) This section shall not apply to the following: East Ridge Animal Services or East Ridge Animal Shelter, or similar rescue group. For purposes of this section, "rescue group" is a not-

for-profit entity whose primary purpose is the placement of dogs, cats, or other animals that have been removed from a public animal control agency or shelter, or that have been surrendered or relinquished to the entity by the previous owner.

10-232. Adoption of Animals

(a) Pursuant to the Tennessee Code Annotated and the expressed intention of the City of East Ridge to minimize pet overpopulation, all animals adopted from East Ridge Animal Services shall be altered (spayed or neutered). In the event an animal is not spayed/ neutered at the time of adoption, it is the responsibility of the adopter to ensure said animal is spayed/ neutered within 30 days pursuant to the requirements set forth in the Animal Services adoption contract.

(b) An adoption fee of up to seventy five dollars ($75.00) may be required to cover the cost of the aforementioned surgery and vaccinations, which must be performed at an approved veterinary facility.

(c) Under certain circumstances, including but not limited to special adoption events, the Animal Services Supervisor is hereby authorized to waive or reduce adoption fees at his/her discretion.

(d) Animals other than dogs and cats, including but not limited to rabbits, ferrets, domestic birds, etc. may be adopted at the shelter. Such adoptions will comply with all applicable State and City codes and ordinances.

(e) Upon completion of the requisite holding period for registered and/ or stray animals, the Animal Services Division may transfer custody of animals to approved humane organizations, such as animal rescues, humane societies, sanctuaries, etc. Such organizations must be registered and incorporated as non-profit organizations in their respective states.

(f) Approval for all adoptions is subject to the discretion of the Animal Services Supervisor. Adoptions may be refused in cases where the safety and welfare of an animal or the public could be jeopardized.

10-233. Inspections

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

(1) If such property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefore;

(2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request entry, explaining his reasons therefore; and

(3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal services supervisor or his/her representative or police officer shall obtain a warrant to conduct a search of the property.

(b) Notwithstanding any other provision of this chapter, an animal services officer or police officer shall have the authority to enter upon any property to enforce the provisions of this chapter if a violation of such law is being committed in the presence or plain view of the officer.

10-234. Maximum number of animals per household; Multiple Pet License or Breeder Permit established

(a) Unless otherwise prohibited by applicable zoning, health or similar laws or regulations, a person may keep, lodge or maintain five (5) or more dogs and/or cats over the age of six (6) months, or any combination thereof, provided that such person obtains a multiple pet license or breeder permit from the Animal Services Division. The Animal Services Division shall establish minimum standards for the residents, facilities or quarters where animals are kept, in accordance with applicable codes and ordinances. Such standards shall be enforced by the Animal Services Division, by virtue of inspection conducted by Animal Services or police officers, in accordance with the provisions of this chapter. The requirements of a multiple pet license or breeder permit shall not be applicable to a non-profit registered animal shelter, zoo, governmental agency, humane society incorporated pursuant to the laws of this state, an institution of higher learning, or a circus or an animal exhibition officially recognized or sanctioned by the City and operated in compliance with City ordinances, and health and zoning regulations.

Where zoning laws, health laws and other laws or regulations do not preclude, a person may keep, lodge or maintain five (5) or more dogs and/or cats over the age of six (6) months. or any combination thereof, if such person applies for and receives from the Animal Services Division a multiple pet license or breeder permit. The Animal Services Division shall possess the authority to establish minimum standards for the residence, facilities or quarters where animals are kept, in accordance with applicable State and City codes and ordinances. Such standards may be enforced by way of inspection conducted by any animal services officer or police officer in accordance with other provisions of this chapter.

(b) To be eligible for a multiple pet license, all animals maintained on the premises over the age of six (6) months must be spayed/ neutered and properly vaccinated against rabies. Any person possessing unneutered animals over the age of six (6) months on their premises who is otherwise required to obtain a multiple pet license by the provisions of this section must apply for and receive a breeder permit. All animals must be properly vaccinated against rabies. In cases where a breeder permit is required, an approved permit will be issued in lieu of the multiple pet license.

(c) It shall be the responsibility of the person wishing to keep, lodge or maintain in excess of five (5) dogs and/or cats over the age of six (6) months or any combination thereof, to apply for a multiple pet license or breeder permit. The Animal Services Division shall have the power to revoke such license if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of a license by the Animal Services Division shall restrict animal ownership to less than five (5) animals, pending a hearing in East Ridge Municipal Court.

(d) The cost of a multiple pet license shall be one hundred fifty dollars ($150.00) per year. The cost of a breeder permit shall be two hundred fifty dollars ($250.00) per year. All licenses shall be renewed annually. Prior to issuing a multiple pet license or breeder permit, the residence, facility or quarters for which a license or permit is sought shall be inspected to ensure minimum standards are being met.

(e) The provisions set forth in this section do not eliminate or replace any other license or registration requirements established in this chapter; however, upon approval of a multiple pet license or breeder permit, the recipient of such license or permit shall be required to pay a flat fee of one hundred fifty dollars ($150.00) for a multiple pet license or two hundred fifty dollars ($250.00) for a breeder permit and shall not be required to pay additional fees for each individual animal in his/ her possession respectively. Individual pet registrations/ records for animals maintained by a multiple pet license holder or breeder permit holder are required in order to maintain current animal descriptions and proof of rabies vaccination.

(f) Minimum requirements for approval of a multiple pet license or breeder permit are as follows:

(1) All animals must be kept in accordance with all other provisions of this title. Violations of any section or subsection in Title 10, Animals Services, will result in a citation under the specific code violated, and may result in the revocation of a multiple pet license or breeder permit.

(2) Written consent of at least 75% of residents and or/ property owners within one hundred (100) ft of the property boundaries of a multiple pet or breeder residence is required prior to approval.

(3) The perimeter of properties or areas where animals are kept must be entirely fenced, with a minimum fence height of four (4) ft.

(4) Dog runs, kennels, and/ or other animal enclosures must be no less than thirty (30) ft from the nearest adjacent residence.

(5) A completed application which shall include: the name(s), address, and phone number(s) of persons wishing to obtain a multiple pet license or breeder permit; the written consent of 75% of residents and/ or property owners within 100 ft of the boundaries of the property seeking the license/ permit; a complete list of all animals kept on the property, including verification of current rabies vaccinations.

(g) If at any point following approval of a multiple pet license or breeder permit, probable cause exists to revoke the approved license, or the permit holder is in violation of any part of this section or other provision of Title10, Animal Services, any Animal Services Officer or Police Officer may issue a court summons to the license or permit holder, setting out the violation, and requiring the license or pet holder to appear in East Ridge Municipal Court for a hearing regarding the suspension or revocation of the license or permit.

10-235. Continuing care fee required

(a) Any animal owner wishing to surrender their pet(s) to the Animal Services Division shall be required to pay a fee of up to thirty five dollars ($35.00) per animal. Any animal owner wishing to surrender a litter of kittens or puppies shall be required to pay a fee of up to one hundred dollars ($100.00) per litter. An owner shall be defined as set forth in (10-202).

(b) Under certain circumstances, including but not limited to loss of home or employment, death in the family, etc. these fees may be reduced or waived at the discretion of the Animal Services Supervisor.

10-236. Authority to prevent acts of cruelty; unlawful interference with officers performing their duties.

(a) Any Animal Services Officer or police officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence.

(b) It shall be unlawful for any person to interfere with or obstruct in any way an animal services officer or police officer in the discharge of his/ her duties as pertaining to the enforcement of these chapters (Title 10).

(c) It shall be unlawful for any person to tamper, remove, or in any way interfere with a humane trap lawfully placed and by any animal services officer or police officer.

CHAPTER 3

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

SECTION

10-301. Findings
10-302. Citation for designation of dangerous dog or potentially dangerous dog; hearing; designation of dangerous dog or potentially dangerous dog; imposition of conditions; no change of ownership pending hearing
10-303. Notice of designation
10-304. Impoundment and abatement of potentially dangerous dog or dangerous dog.
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10-307. Mandatory restrictions on dangerous dogs
10-308. Removal of designation of potentially dangerous dog
10-309. Change of ownership, custody or location of dog; death of dog

10-301. Findings

(a) Dangerous dogs have become a serious and widespread threat to the safety and welfare of citizens and domestic animals of this city. In recent years, the number of reports in communities of dogs having assaulted without provocation and seriously injuring individuals, particularly children, has increased, and many of these attacks have occurred in public places.

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

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

10-302. Citation for designation of dangerous dog or potentially dangerous dog; hearing; designation of dangerous dog or potentially dangerous dog; imposition of conditions; no change of ownership pending hearing.

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

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

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

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

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

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

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

(1) has, without provocation, on two (2) or more occasions within the prior 18-month period, chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

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

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

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

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

(6) has been owned, possessed, kept, used or trained in violation of Tennessee code annotated § 39-14-203.

(d) No dog may be declared potentially dangerous or dangerous as a result of injury or damage, if, at the time the injury or damage the victim of the injury or damage was

(1) committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog;

(2) teasing, tormenting, abusing or assaulting the dog, or

(7) committing or attempting to commit a crime. No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared potentially dangerous or dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

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

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

(g) It shall be unlawful for any person who has been served with a citation to appear in city court for the purpose of determining whether such person's dog should be designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog until after the city court has issued a ruling on such a citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog to another person without:

(1) having advised such other person that the dog has been designated as a potentially dangerous dog or dangerous dog and

(2) having advised such other person in writing of the restrictions that have been placed upon such dog.

10-303. Notice of designation. Within ten (10) working days after a hearing conducted pursuant to this article, the owner or keeper of the dog, if absent from the hearing, shall be notified by the city court in writing of the decision of the court and of any restrictions imposed upon the respondent, either personally through ASD or by first-class mail, postage prepaid. If a dog is declared to be potentially dangerous or dangerous, the owner or keeper shall comply with all restrictions imposed by this article and by the city court.

10-304. Impoundment and abatement of potentially dangerous dog or dangerous dog.
(a) if upon investigation it is determined by the animal services officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the animal services officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this article. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice of a hearing to be held pursuant to this article to declare the dog dangerous or potentially dangerous.

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

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

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

10-305. Possession unlawful without proper restraint; failure to comply with mandatory restrictions. It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the court that has designated such dog as a potentially dangerous dog or a dangerous dog.

10-306. Mandatory restrictions on potentially dangerous dogs. Once the dog is designated as a potentially dangerous dog by the East Ridge City Court, the following shall be restrictions are mandatory upon the owner or custodian of such dog:
(a) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;

(b) The owner must allow inspection of the dog and its enclosure by the ASD and must produce, upon demand, proof of compliance with such restrictions;

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

(d) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the ASD; and

(e) The owner and dog must attend and successfully complete an American Kennel Club canine good citizenship course and test within a time specified by the court.

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

10-307. Mandatory restrictions on dangerous dogs.

(a) If the dog is designated as a dangerous dog by the East Ridge city court, the owner or custodian of such dog shall comply with the following restrictions:

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

(2) The owner must allow inspection of the dog and its enclosure by the ASD and must produce, upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the city court.

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

(4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the ASD that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior.

(5) A sign, available exclusively from ASD, the cost of which shall be included in the annual fee for a dangerous dog, having reflective letters and backing with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "beware of dangerous dog" shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept;

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

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

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

(9) Such dog shall be photographed by the ASD for future identification purposes.

(10) Neutering or spaying of the dog.

(11) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to ASD.

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

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

(14) Samples preserved for possible dna identification which must be delivered to ASD.

(15) The wearing of a collar and/or tag that visually identifies the dog as being dangerous (purchased through the ASD.)

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

(17) Any other reasonable requirement specified by the city court.

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

10-308. Removal of designation of potentially dangerous dog. If there are no additional instances of the behavior described in sec. 10-302(b) within 18 months of the date of designation as a potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to the ASD that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the ASD may petition the city court to remove such designation.

10-309. Change of ownership, custody or location of dog; death of dog.

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

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

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

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

(e) The following persons must notify ASD when relocating a dog to East Ridge, even on a temporary basis:

(1) the owner of a potentially dangerous or dangerous dog that has been designated as such by another lawful body other than the city of east ridge; and

(2) The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the city of East Ridge based upon the behavior of the dog.

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

CHAPTER 4

BARKING DOGS

SECTION

10-401. Barking dogs - Definition
10-402. Barking dogs generally
10-403. Citation for barking dog

10-401. Barking dogs- Definition

(a) As used in this article, "barking dog" means any dog which, by causing frequent or long, continued noise for an extended period of time, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital, or creates any other noise that a reasonable person would find distressing or disruptive, regardless whether the dog is physically situated in or upon private property. An "extended period of time" means that, in a twenty-four (24) hour period, the dog either:

(1) Barks incessantly for fifteen (15) minutes or more; or

(2) Barks intermittently for sixty (60) minutes or more.

(b) A dog shall not be deemed a "barking dog" for purposes of this chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked or is responding to an emergency.

10-402. Barking dogs generally

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

(b) For purposes of this article, a violation occurs when:

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

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

(3) A person who is the owner of, or a person who is a lessee or sub-lessee with the current right of possession of, real property allows a barking dog violation to exist in or upon said property.

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

10-403. Citation for barking dog

(a) As provided hereinafter, Animal Services Officers or police officers have the authority to issue a citation to any person responsible for a barking dog violation if probable cause exists pursuant to this section, based upon the officer's investigation.

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

(c) Each day a barking dog violation exists shall be a separate violation, with the person responsible for the barking dog violation subject to a separate citation and fine for each such violation. A barking dog citation may include a violation for one (1) or more days on which a violation exists and for violation of one (1) or more Code sections.

CHAPTER 5

ANIMAL EUTHANASIA

10-501. Animal Euthanasia- General
10-502. Animal Euthanasia – East Ridge Animal Services and Animal Shelter

10-501. Animal Euthanasia- General

(a) Euthanasia of companion animals shall be performed by means of lethal injection pursuant to techniques provided for by the Tennessee Codes Annotated.

(b) Euthanasia of companion animals shall only be performed by officers of the Animal Services Division who are duly licensed and certified in the State of Tennessee to practice animal euthanasia, as well as licensed veterinarians, and veterinary medical technicians who have successfully completed a euthanasia technician certification course.

(c) Notwithstanding this section or any other law to the contrary, whenever an emergency situation exists that requires the immediate euthanasia of an injured, dangerous, or severely diseased companion animal, an Animal Services Officer, law enforcement officer, or a veterinarian may humanely destroy the animal.

10-502. Animal Euthanasia – East Ridge Animal Services and Animal Shelter

(a) Euthanasia of companion animals shall only be performed when the Animal Services Division and/ or a licensed veterinarian determines that such animal is unadoptable for one or more of the following reasons:

(1) The animal is suffering from an injury or illness that requires treatment beyond that which a reasonable pet owner would provide, or the animal's prognosis following treatment is grim.

(2) The animal is dangerous or vicious and poses a threat to public safety.

(3) The animal has been at the shelter for a protracted period of time and further impoundment would be inhumane and/ or deleterious to the animal's health and wellbeing.

(4) The animal is in imminent danger of dying and is suffering.

(b) Owner requested euthanasia of companion animals may be performed by the Animal Services Division or referred to a veterinarian at the discretion of the Animal Services Supervisor, in accordance with shelter policies and procedures.

BE IT FURTHER ORDAINED, that this Ordinance take effect from and after its passage, the public welfare requiring it.

Passed first reading May 9, 2013.

Passed second reading May 23, 2013.

Brent Lambert

Brent Lambert, Mayor

Attest:

Eddie Phillips, Interim City Manager

Approved to form:

Harold L. North, Jr., Interim City Attorney