

CALL TO ORDER

PUBLIC HEARING REGARDING ZONING

CZ-8-2007: Application of Linda Hagewood (John Davidson, Agent) from AG to C-5.

CZ-9-2007: Application of Billy and Regina Dheel (Young, Hobbs & Associates, Agent) from AG to EM-1.

RESOLUTIONS

07-8-1: Amendment to Previously Adopted Resolution 07-6-8 Authorizing Pre-Payment of Taxes by Gateway Health System and Funding of Dunlop Lane Expansion.

07-8-2: Resolution for Approval of Inter-local Agreement Among Montgomery County, Tennessee and City of Clarksville, Tennessee.

07-8-3: Resolution to Accept a U.S. Department of Homeland Security Office for Domestic Preparedness FY06 Assistance to Firefighters Grant – Fire Prevention and Safety Grant Program in the County General Fund.

07-8-4: Resolution to Adopt the Provisions of 2007 Public Chapter 586 Regarding the Imposition of a Booking Fee.

07-8-5: Resolution to Adopt Animal Control Regulations Pursuant to T.C.A. § 6-2-201(22) and (23) and 5-1-118 and 120.

REPORTS

1. Ruth Milliken – Nominating Committee Nominations
2. Carolyn Bowers – County Mayor Nominations and Appointments
3. Michael Harris, Director of Schools

REPORTS FILED

1. County Clerk: Minutes from July 9, 2007 and Clerk's Report
2. Building & Codes: July 2007 Permit Revenue and Adequate Facilities Tax Reports
3. TDOT Project Status Report

4. FY 2006 – 2007 Financial Reports:
 - Register of Deeds
 - County Clerk
5. Trustee's Sales Tax Comparison Report for July

CITIZENS TO ADDRESS THE COMMISSION

Dr. Arthur W. Carpenter regarding tax on pets

ANNOUNCEMENTS

Due to Labor Day holiday, the informal meeting will be held on Tuesday, September 4.

ADJOURN

**RESOLUTION AMENDING THE ZONE CLASSIFICATION
OF THE PROPERTY OF LINDA HAGEWOOD**

WHEREAS, an application for a zone change from AG Agricultural District to C-5 Highway and Arterial Commercial District has been submitted by Linda Hagewood and

WHEREAS, said property is identified as County Tax Map 015, parcel 003.01, containing 88 acres, situated in Civil District 13, located 2500 feet +/- northeast of the intersection of Jim Johnson Road and Guthrie Highway on the north side of Guthrie Highway.; and

WHEREAS, said is property is described as follows:

Beginning at a point in the northwest margin of Guthrie Highway, said point being the southwest corner of the Linda Hagewood property, said point also being the southeast corner of the Lawrence Bowman property; thence with Bowman’s north line in a northwesterly direction 300+/- feet to a point; thence continuing in a northwesterly direction with Bowman’s north line 230+/- feet to a point in the east line of the Margaret Muiznieks property; thence with Muiznieks’ east line in a northerly direction 970+/- feet to a point; thence in a northeasterly direction 2500+/- feet to a point; thence in a southeasterly direction 575+/- feet to a point; thence in an easterly direction 400+/- feet to a point; thence in a southeasterly direction 550 +/- feet to a point in the northwest margin of Guthrie Highway; thence with the northwest margin of Guthrie Highway in a southwesterly direction 3,100+/- feet to the point of beginning, containing 88+/- acres.

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session on this 13th day of August, 2007, that the zone classification of the property of Linda Hagewood from AG to C-5 is hereby approved.

Duly passed and approved this 13th day of August, 2007.

Sponsor _____
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**RESOLUTION AMENDING THE ZONE CLASSIFICATION
OF THE PROPERTY OF BILLY & REGINA DHEEL**

WHEREAS, an application for a zone change from AG Agricultural District to EM-1 Single Family Mobile Home Estate District / has been submitted by Billy & Regina Dheel and

WHEREAS, said property is identified as County Tax Map 069, parcel 060.06, containing 2.5 acres, situated in Civil District 13, located In the southwest corner of Happy Hills Acres Road and Lake Road; and

WHEREAS, said is property is described as follows:

Beginning at the centerline point of intersection of Happy Hills Acres and Lake Road said point being 158.18 feet +/- from the centerline to a point on the north boundary of the Billy R. Dheel property, thence from an iron pin in the northwest corner of said property north 15 degrees, 58 minutes 35 seconds west 330.58 feet +/- to a point, thence 50 feet +/- to a point, thence north 83 degrees 42 minutes 35 seconds east 300.34 feet +/- to a point, thence north 82 degrees 09 minutes 54 seconds east 50.87 feet +/- to a point , thence north 04 degrees 24 minutes 09 seconds east 38.30 feet +/- to a point , thence north 04 degrees 01 minute 19 seconds east 39.93 feet +/- to a point , thence north 83 degrees 42 seconds 35 minutes east 25.92 feet +/- to a point , thence south 89 degrees 15 minutes 40 seconds west 440.39 feet +/- to a point , thence south 63 degrees, 00 minutes 55 seconds west 239.93 feet to a point, thence south 34 degrees 38 minutes 53 seconds east 50 feet +/- to a point thence south 35 degrees 59 minutes 25 seconds east 221.77 feet +/- to a point ,thence north 79 degrees 33 minutes 07 seconds east 137.5 feet to a point of beginning. Containing 2.514 acres +/-, Map 069 Parcel 060.06 & Map 069 Parcel 060.07

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session on this 13th day of August, 2007, that the zone classification of the property of Billy & Regina Dheel from AG to EM-1 is hereby approved.

Duly passed and approved this 13th day of August, 2007.

Sponsor _____
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**AMENDMENT TO PREVIOUSLY ADOPTED RESOLUTION 07-6-8
AUTHORIZING PRE-PAYMENT OF TAXES BY GATEWAY
HEALTH SYSTEM AND FUNDING OF DUNLOP LANE EXPANSION**

WHEREAS, Resolution 07-6-8, Authorizing Pre-Payment of Taxes by Gateway Health System and Funding of Dunlop Lane Expansion was adopted on June 11, 2007; and

WHEREAS, said resolution named Gateway Health System when in fact it should have been referred to as Clarksville Health System, G.P. d/b/a Gateway Medical Center; and

WHEREAS, the years set out in said resolution’s schedule for property tax credit were as follows:

Tax Year 2008	-	\$500,000
Tax Year 2009	-	\$500,000
Tax Year 2010	-	\$500,000
Tax Year 2011	-	\$250,000

WHEREAS, the before-mentioned property tax credit schedule has been found to be erroneous and is hereby deleted in its entirety and substituted as follows:

WHEREAS, real and personal property tax credits shall be applied against the annual property tax bills applicable to the Dunlop Lane property beginning with tax year 2007 and continuing annually until a full credit of \$1.75 million dollars is realized.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session on this 13th day of August 2007, that Resolution 07-6-8 approved on June 11, 2007, be amended to reflect the correct name of Clarksville Health System, G.P. d/b/a Gateway Medical Center, and the property tax credit be amended as stated above.

Duly passed and approved this 13th day of August, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION FOR APPROVAL OF INTERLOCAL AGREEMENT AMONG
MONTGOMERY COUNTY, TENNESSEE AND THE
CITY OF CLARKSVILLE, TENNESSEE**

WHEREAS, by virtue of Resolution 07-6-8 passed June 11, 2007, this Board of Commissioners approved the pre-payment of certain property taxes by Gateway Health System, (now known as Clarksville Health System, G.P. d/b/a Gateway Medical Center) for the purpose of partially funding the widening and expansion of Dunlop Lane; and

WHEREAS, the City of Clarksville and Montgomery County have entered into an Interlocal Agreement dated _____ specifying the respective conditions, duties and responsibilities of each entity in the widening and expansion of Dunlop Lane (see attached Exhibit "A"); and

WHEREAS, pursuant to T.C.A. § 12-9-104(2), interlocal agreements must be submitted by their creating agencies to the governing body before the agreements take effect.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session on this 13th day of August 2007 that the Interlocal Agreement between the City of Clarksville and Montgomery County dated _____ concerning the widening and expansion of Dunlop Lane is in the best interest of the citizens of Montgomery County and is hereby approved.

Duly passed and approved this 13th day of August, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**INTERLOCAL AGREEMENT AMONG MONTGOMERY COUNTY,
TENNESSEE, AND THE CITY OF CLARKSVILLE, TENNESSEE,**

This interlocal agreement made and entered into between Montgomery County,
Tennessee (hereinafter, "the County"), and the City of Clarksville, Tennessee
(hereinafter, "the City"),

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HEALTH SYSTEM¶

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WITNESSETH:

WHEREAS, Gateway Health System (hereinafter, "Gateway") is a for profit
hospital;

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(hereinafter, "Gateway")

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WHEREAS, Gateway has purchased property located on Dunlop Lane and is
constructing a state of the art medical facility on said property;

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WHEREAS, adequate infrastructure is a vital component of the development of
this area and medical facility;

WHEREAS, Gateway, the City, and the County, individually or collectively,
have reached an agreement for the involvement of each entity in the development of
infrastructure and widening of Dunlop Lane;

WHEREAS, the projected total cost of developing the proposed infrastructure
and widening of Dunlop Lane is estimated to be in excess of Three Million Five Hundred
Thousand Dollars (\$3,500,000.00); and,

WHEREAS, it is vital for the health and general well-being of the citizens of our
community to have a state of the art medical facility with adequate infrastructure to serve
it and with the potential to attract new industry to this area which has the potential to
create new jobs, invest capital dollars, and increase the industrial tax base for Clarksville
and Montgomery County.

NOW THEREFORE, in consideration of the mutual promises and covenants

contained herein, it is hereby agreed as follows:

1. This interlocal agreement is contingent upon approval by the Council of the City and the Commission of the County.

2. Gateway agrees to prepay a total of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) of its property taxes owing to City and County for tax years starting with the 2007 tax year for the real and personal property it owns on Dunlop Lane. This amount shall be paid by not later than July 15, 2007. One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) of the Three Million Five Hundred Thousand Dollars (\$3,500,000.00) shall be paid by Gateway to City. The same amount shall be paid to County by Gateway.

3. The City projects that it will cost not less than Three Million Five Hundred Thousand Dollars (\$3,500,000.00) to Four Million Dollars (\$4,000,000) to widen Dunlop Lane near the property owned by Gateway. City shall be solely responsible for the widening of Dunlop Lane, the selection of all contractors for any work performed to widen Dunlop Lane and all other things necessary for this project. All costs in excess of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) to widen Dunlop Lane near the property owned by Gateway shall be borne entirely by City.

4. County shall pay to City the sum of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) to contribute to the funding of the widening of Dunlop Lane. This shall be paid to City at the rate of Five Hundred Thousand Dollars (\$500,000.00) per year for the fiscal years FY 2008-2009, FY 2009-2010, FY 2010-2011 and a final installment of two hundred fifty thousand Dollars (\$250,000) in Fiscal Year 2011-2012.

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Deleted: . In addition, Gateway shall pay the additional sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00) to City by not later than July 15, 2007 if underground electrical wiring is installed by the Clarksville Department of Electricity, this payment shall be a prepayment of property taxes due starting with the tax year 2007
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These payments shall begin on July 15, 2008, and continue in the same amount until the balance is paid in full.

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5. The duration of this agreement is perpetual.

6. No separate legal entity shall be created by this interlocal agreement.

7. The obligation of County shall be completed upon payment of the amounts contained herein. Upon payment of all such amounts, this agreement may be terminated by County. The obligation of City shall be completed upon the widening of Dunlop Lane. Upon the widening of Dunlop Lane, City may terminate this agreement.

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Deleted: and Gateway

Deleted: each entity

8. In accordance with Tenn. Code Ann. § 12-9-104(d)(1), the Mayor of City shall serve as administrator of this cooperative undertaking. When the Project is completed, the Mayor of City shall notify County that all obligations herein have been met and that this agreement will be terminated

Deleted: and Gateway

9. The parties agree that the purpose of this interlocal agreement is to comply with Resolution 07-6-8 passed by the Board of County Commissioners on June 11, 2007, Ordinance 151-2006-07, passed by the Clarksville City Council on June 7, 2007, and June 14, 2007, and to comply with the provisions of Tenn. Code Ann. §12-9-101, et. seq., regarding interlocal agreements between local governmental units.

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10. City, County and Gateway, by separate document, have entered into an agreement confirming the obligations of Gateway contained herein.

IN WITNESS WHEREOF, each party has caused this interlocal agreement to be executed by an authorized person on the date indicated by his or her name.

MONTGOMERY COUNTY, TENNESSEE

Date: _____

By: _____
Carolyn Bowers, Mayor

CITY OF CLARKSVILLE, TENNESSEE

Date: _____

By: _____
Johnny Piper, Mayor

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¶
..... GATEWAY HEALTH
SYSTEMS¶
¶
Date: _____
By: _____
..... Russell Pigg, Chief Operating
Officer¶

RESOLUTION TO ACCEPT A U.S. DEPARTMENT OF HOMELAND SECURITY OFFICE FOR DOMESTIC PREPAREDNESS FY06 ASSISTANCE TO FIREFIGHTERS GRANT-FIRE PREVENTION AND SAFETY GRANT PROGRAM IN THE COUNTY GENERAL FUND

WHEREAS, Steve Jones, Chief of the County Volunteer Fire Service, has applied for a grant thru the U.S. Department of Homeland Security Office for Domestic Preparedness FY06 Assistance to Firefighters Grant – Fire Prevention and Safety Grant Program for several projects; and

WHEREAS, on July 13, 2007, Chief Jones was notified that his grant application had been approved in the amount of \$6,402.00, federal share is 90% or \$5,762.00 of the approved amount, and the County’s share is 10% or \$640.00; and

WHEREAS, the proceeds from the grant will be used to purchase a complete Sparky Animated Costume with a kool down kit and voice modifier as well as numerous supplies for Fire Prevention Week such as brochures, magnets, crayons, pencils, flags and hats; and

WHEREAS, the matching portion of this grant was included in the original budget that was approved on July 9, 2007 in account 101-54310; and

WHEREAS, the grant period begins July 5, 2007 and expires July 4, 2008 and the grant will not require any continued funding after the expiration.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session on this 13th day of August 2007 that the following appropriation and revenue be approved.

County General Fund

Revenue

Homeland Security Grants

101-47235

\$5,762.00

Expenditure
Domestic Preparedness FY06 Grant

101-54310-00000-54-54990 – Other Supplies & Materials	\$1,837.00
101-54310-00000-54-57900 – Other Equipment	<u>\$3,925.00</u>
	\$5,762.00

Duly passed and approved this 13th day of August 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____
County Clerk

RESOLUTION TO ADOPT THE PROVISIONS OF 2007 PUBLIC CHAPTER 586 REGARDING THE IMPOSITION OF A BOOKING FEE

WHEREAS, *Tennessee Code Annotated*, Section 40-7-122, authorizes county legislative bodies to pass a resolution to impose an additional fee of not more than ten dollars (\$10.00) for the booking and processing of each person subject to arrest or summons; and

WHEREAS, the county legislative body of Montgomery County is desirous that it be fully compensated for the booking and processing of persons subject to arrest or summons.

NOW, THEREFORE, BE IT RESOLVED by the county legislative body of Montgomery County, meeting this 13th day of August, 2007, that:

SECTION 1. Pursuant to the provisions of *Tennessee Code Annotated*, Section 40-7-122, the Sheriff is entitled to demand and receive a fee of ten dollars (\$10.00) for the booking and processing of each person subject to arrest or summons.

SECTION 2. Such fee shall be collected at the same time and in the same manner as other fees are collected by the Sheriff in accordance with *Tennessee Code Annotated* Title 8, Chapter 21, Part 9.

SECTION 3. Pursuant to the provisions of *Tennessee Code Annotated*, Section 40-7-122, no such fee shall be charged to any person determined by the court to be indigent.

SECTION 4. This resolution shall take effect upon adoption, the general welfare requiring it.

Duly passed and approved this the 13th day of August, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION TO ADOPT ANIMAL CONTROL REGULATIONS
PURSUANT TO T.C.A. § 6-2-201(22) and (23) and 5-1-118 and 120**

WHEREAS, the Board of County Commissioners of Montgomery County, Tennessee, has determined that it would be beneficial to the inhabitants of Montgomery County, Tennessee, in its unincorporated areas to adopt animal control regulations; and

WHEREAS, the Board of County Commissioners of Montgomery County, Tennessee, is authorized pursuant to T.C.A. § 6-2-201(22) and (23) and T.C.A. § 5-1-118 and 120 and Resolution Number 03-10-2 of the said Board of County Commissioners of Montgomery County, Tennessee, to adopt such regulations in its unincorporated areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Montgomery County, Tennessee, meeting in regular session on this 13th day of August, 2007, that Animal Control Regulation 05-3-6 is repealed and this resolution is hereby adopted pursuant to the aforesaid authority.

ANIMAL CONTROL REGULATIONS

1. The purposes of these Regulations are to promote the public health, safety and general welfare of the citizens of Montgomery County, Tennessee in its unincorporated areas and to ensure the humane treatment of animals by regulating the care and control of animals within Montgomery County, Tennessee in its unincorporated areas.

2. When used in these Regulations, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

ANIMALS
General Provisions

Section

- .001 Definitions
- .002 Restraint required
- .003 Confinement of animal in heat
- .004 Owner to control animals; nuisances prohibited
- .005 Exhibitions of wild or vicious animals
- .006 Non-applicability to non-residents
- .007 Interference with enforcement prohibited
- .008 Keeping of wildlife
- .009 Keeping of dangerous animals prohibited
- .010 Fee schedule

Vaccinations

- .021 Vaccinations; fixation of tags
- .022 Sale of Rabies vaccine

Impoundment

- .030 Impoundment authorized; euthanasia of unclaimed animals
- .031 Reclaiming impounded animal
- .032 Quarantine of animals
- .033 Issuance of citations; violations notices

Humane Treatment of Animals

- .040 Provisions of necessities
- .041 Restraints by leash or chain; specifications
- .042 Abandonment
- .043 Cropping of ears or tail
- .044 Cruelties; exhibition fighting prohibited
- .045 Sale of fowl or rabbits
- .046 Poisons
- .047 Offering animals as prize or reward
- .048 Killing dogs, cats for food or fur prohibited
- .049 Mutilations of animals
- .050 Sexual acts with animals
- .051 Removal of animal in immediate danger
- .052 Confiscation of victimized animal
- .053 Transportation of Animals

Standards

- .061 Pet shops
- .062 Riding schools or stables

- .063 Humane Societies
- .064 Animal –drawn vehicles
- .065 Sale of animals from county shelter
- .066 Theatrical exhibits

Sale of Animals

- .070 Exotic species; keeping of records
- .071 Puppies, dogs, kittens, cats;
certification as unfit for purchase
- .072 Waivers
- .073 Dangerous animals

Dangerous Dog

- .080 Dangerous Dogs and Potentially Dangerous Dog

Other Regulations

- .090 Penalties
- .091 Conflicting Regulations
- .092 Severability

GENERAL PROVISIONS

.001 DEFINITIONS

For the purpose of MCR# __ .001 through .090, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any living creature, domestic or wild, including livestock, poultry, pet rodents, pet birds and vermin.

ANIMAL CONTROL OFFICER. Persons designated as peace officers by the Montgomery County Commission as primary enforcement officers of ordinances/laws regulating animals and owners of animals, and for the enforcement of Tennessee State Laws pertaining to the cruelty of animals.

ANIMAL DEALER. Any person engaging in the business of buying and/or selling any animal or animals for the purpose of resale to pet shops, research facilities, another animal dealer, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. (Persons buying or selling animals fit and destined for human consumption and persons involved in the sale of an occasional litter or animal on a random basis are not included in this definition). Animals dealers are also subject to the provisions of MCR# __ .040 through MCR# __.052 and MCR# __.063.

ANIMAL-DRAWN VEHICLE. Vehicles with two or more wheels primarily conveyed by an animal.

ANIMAL SHELTER. Any premises designated and/or operated by Montgomery County for the purpose of impounding and caring for animals held under the authority of this resolution.

APPROVED RABIES VACCINE. Any vaccine approved as effective by the Tennessee Department of Health, Division of Rabies Control for protecting an animal from contracting rabies.

ATTACK. An unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion or bruising, OR on a domestic animal, that causes death or injury that requires veterinary treatment.

BOARDING KENNEL OR CATTERY. Any establishment where dogs, cats, puppies or kittens are kept for the purpose of boarding for any part of a twenty-four (24) hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic or recuperative purposes, or for grooming.

BOARDING STABLE. Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys or burros for the purpose of housing, feeding, riding, training, driving or riding lessons, whether gratuitously or for a fee and/or which advertises these services by the use of a sign, billboard or by placing an advertisement in newspapers, on bulletin boards or in any other publication excluding licensed pari-mutuel facilities.

CAT. Any domestic feline four months of age or older.

CIRCUS. A resident or non-resident variety show that features animal acts. A circus shall not include resident or non-resident dog and cat shows sponsored and/or sanctioned by the American Kennel, the United States Kennel Club, the American Cat Fanciers Association, the Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

CRUELTY. Shall mean: failing to provide adequate food, water and shelter; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions; infliction of pain, injury or death to an animal by striking, beating, dropping, kicking, dragging, choking or by the use of an object or weapon; causing pain, injury or death by means of caustic, flammable, boiling or heated substances; causing suffering, injury or death by suffocation or drowning; failure to provide health related grooming as further defined in TCA 39-14-202.

CLASS A KENNEL or CATTERY. Any establishment where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying or selling such animals and which establishment is so constructed that the dogs, puppies, cats and kittens cannot stray there from. The CLASS A KENNEL or CATTERY LICENSE shall apply to up to ten (10) dogs or cats and shall require an additional CLASS A KENNEL or CATTERY LICENSE for each increment of up to ten (10) dogs or cats.

CLASS B KENNEL or CATTERY. Any establishments where dogs and/or puppies, cats and/or kittens are kept for the primary purpose of showing (including but not limited to field trial competition, hunting trial competition, herding, conformation and obedience competition) and which establishment is so constructed that the dogs, puppies, cats and kittens cannot stray there from. The primary purpose shall be determined by verifying the participation of one or more of the housed animals in a sanctioned competition in the preceding twelve (12) months. The license shall apply to up to ten (10) animals. Animals in excess of ten (10) shall be licensed individually.

CLASS C KENNEL. Any establishment where dogs or puppies are kept for the primary purpose of training for guard, sentry, field or obedience, whether gratuitously or for a fee. A CLASS A KENNEL may also offer boarding services if the boarding occurs at the same location with no additional BOARDING KENNEL license required.

DANGEROUS ANIMAL. Any warm-blooded mammal that is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with vaccine approved by the Tennessee Department of Health, Division of Rabies. A dangerous animal includes any hybrid animal or any pet wildlife that has attacked a human or which is apprehended or observed unrestrained.

DANGEROUS DOG. Any dog that:

- (1) Causes a serious injury and/or severe attack to a person or domestic animal; or
- (2) Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in **POTENTIALLY DANGEROUS DOG.**

DOG. Any domestic canine four months of age or older.

DOMESTIC. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, and any animal, which may be vaccinated against rabies with an approved rabies vaccine, and any animal, which has an established rabies quarantine observation period.

ENCLOSURES.

(1) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door. The enclosure must contain adequate shelter from the weather.

(A) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by Montgomery County Animal Control, posted next to the driveway or entry to the property. The enclosure must contain adequate shelter from the weather. This type of

enclosure is not acceptable for a female in heat. An unrestrained dog(s) that attacks a dog restrained by this method may not be charged with being a POTENTIALLY DANGEROUS DOG as defined by this resolution.

(2) Enclosures for POTENTIALLY AND DANGEROUS DOGS shall be a secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. A “**DANGEROUS DOG**” sign prescribed by Montgomery County Animal Control must be posted at the entry to the property.

EXOTIC SPECIES. Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

HUMANE SOCIETY. Any organization existing for the purpose of the prevention of cruelty to animals and licensed as a non-profit pet adoption organization.

IMPOUND. Any animal taken into the custody of the Animal Control Authority or the organization authorized to enforce the at large law of this jurisdiction or other applicable statues. §44-8-408.

KITTEN. Any domestic feline younger than four months of age.

LICENSE FACILITY. Any facility and/or business operation or person designated by the Montgomery County Commission pursuant to MCR#___.020 of this resolution to issue licenses required by this resolution and/or provide applications thereto.

LIVESTOCK. All equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption, but not limited to, cattle, sheep, swine, goats, and poultry.

MICROCHIP. A passive transponder which can be implanted in an animal, and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by animal control.

MCAC. Montgomery County Animal Control.

OCCASIONAL SALE. Any sale of a single animal or a single litter of puppies, kittens or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a twelve month period.

OWNER. Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal within Montgomery County.

PERSON. An individual, partnership, association, company, firm, business or corporation.

PET BIRDS. Any tamed or domesticated kept caged or within doors.

PET RODENTS. Hamsters, gerbils, woodchucks, mice or similar rodents that are kept as domesticated or tamed animals and which are caged or kept within doors at all times.

PET SHOP. Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals of any species for profit-making purposes.

POULTRY. All domesticated fowl and all game birds that are legally kept in captivity.

POTENTIALLY DANGEROUS DOG. A dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(1) Causing an injury to a person or domestic animal that is less severe than a serious injury;

(2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;

(3) Running at large and impounded or owners cited by the Animal Control Authority one (1) or more times within any 12-month period.

(4) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

PUPPY. Any domesticated canine younger than four months of age.

QUALIFIED PERSON. Any person granted a permit and/or license by the Tennessee State Board of Health to vaccinate dogs and cats against rabies with an approved vaccine.

QUARANTINE. Humane confinement of an animal for the observation of symptoms of rabies in a secure enclosure which enclosure prevents the animal from coming into unplanned contact with any other animal or human being for a period of ten (10) days from the date of the bite.

RABIES VACCINATION. The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Tennessee State Board of Health.

REASONABLE HOURS. The normal hours of any establishment or business regulated by this resolution.

RESPONSIBLE PERSON. A person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

RESTRAINT.

- (1) For all animals except puppies and dogs, restraint shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.
- (2) For puppies and dogs restraint shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under their direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person as defined by law.
 - (a) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether. A fixed-point restraint may be used temporarily but not to exceed one (1) hour in a twenty-four (24) hour period.
 - (b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable, which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground.
 - (c) Any tethering system employed shall not allow the dog or puppy to leave the owners property.
 - (d) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.
 - (e) Any chain or tether shall be at least ten (10) feet in length and have swivels at both ends.
 - (f) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.
- (3) All livestock must be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. Livestock found not restrained by a fence in good repair and which present a threat to public safety may be removed and the owner charged with a violation of this section.

SEVERE ATTACK. An unprovoked attack in an aggressive manner upon a human and/or domestic animal in which the victim/animal suffers a bite(s) or was shaken violently, and which causes serious physical trauma or death.

SERIOUS INJURY. Any physical injury that result in medical attention being rendered by licensed/certified medical personnel.

THEATRICAL EXHIBITION. Any exhibition or act featuring performing animals. Such exhibitions shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof nor shall it include any primary horse show.

UNFIT FOR PURCHASE. Any disease, deformity injury, physical condition, illness or any defect that is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this resolution, veterinary findings of internal and external parasites shall not be the grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition.

VETERINARIAN. A licensed practitioner of veterinary medicine, accredited by the Tennessee Board of Veterinary Examiners.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

WILDLIFE. Any animal, which occurs naturally in a wild state. This includes any animal, which is part wildlife.

ZOOLOGICAL GARDEN. Any park or zoo operated by a person or private corporation, but excluding any governmental agency or foundation.

.002 RESTRAINT REQUIRED.

All animals shall be kept under restraint at all times as defined in this resolution, and any deviation or violation thereof is strictly prohibited.

.003 CONFINEMENT OF ANIMAL IN HEAT.

Every female dog or cat shall be confined for a period of twenty-four (24) days in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for a planned breeding.

.004 OWNER TO CONTROL ANIMALS; NUISANCES PROHIBITED.

No owner shall fail to exercise proper care and control of his animals so as to prevent the following actions: excessive, continuous or untimely barking or howling, molesting of passersby, chasing of vehicles, attacking of domestic animals, trespassing upon school grounds or private property, or damaging property of any nature.

.005 EXHIBITION OF WILD OR VICIOUS ANIMALS.

No person or private corporation shall keep, or permit to be kept, on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This resolution shall not be construed so as to apply to a zoological garden, theatrical exhibit or circus, as defined in MCR#____.001 of this resolution.

.006 NON-APPLICABILITY TO NON-RESIDENTS.

Sections MCR# __.001 through .090 requiring license shall not apply to non-residents of Montgomery County who are keeping or harboring only domestic pets, provided that animals of such owners shall not be kept in Montgomery County longer than 30 days and that the animals shall be kept under restraint. No nonresident shall, however, keep any pet in Montgomery County over the age of four months that has not been vaccinated against rabies with an approved vaccine.

.007 INTERFERENCE WITH ENFORCEMENT PROHIBITED.

No person shall in any manner interfere with, hinder, molest or abuse any officer or individual authorized to enforce the provisions of this resolution.

.008 KEEPING OF WILDLIFE.

(A) No person may possess:

(1) Any nonhuman primate.
(2) Any venomous or poisonous reptile, amphibian or insect. Venomous reptiles that were in private possession prior to March 10, 1988 may be retained by the owner but may not be transferred. The owner shall be responsible to provide proof that the specimens were in their possession at time of passage. Each venomous reptile must be registered with the Montgomery County Animal Control. Each owner must apply for, and receive, a permit from Animal Control allowing retention of the species. Each animal must be provided adequate space and diet, and a clean and healthful environment. Each permit shall include all specimens kept and must be renewed each July 1.

(B) Any person possessing wildlife of the orders listed in division (C), in addition to all other requirements of this resolution must comply with the following regulations:

(3) Obtain a permit from the State Department of Fish and Wildlife Resources where required by state statute.

(4) Apply to and receive from Montgomery County Animal Control a permit for each animal. Each permit must be renewed every July 1 and is not transferable.

(5) A health certificate must accompany each permit application from a veterinarian stating that the animal is free of symptoms of infectious disease or is under treatment. A new health certificate must be provided each time the permit is renewed. If there is an approved rabies vaccine available for the species being kept, proof of a valid vaccination must be presented annually with the health certificate.

(4) Before the permit can be issued, the facility where the animal is to be kept must be inspected by Montgomery County Animal Control. Each enclosure must provide an adequate exercise area, as well as adequate sleeping quarters. Proper temperature control and ventilation for the particular species must be provided in both areas. Each enclosure must be kept locked and designed so that no one can enter or place appendages in the enclosure. Each enclosure must be constructed so as to prevent the animal from escaping. Each enclosure must be kept in good repair to prevent both escape and injury to the animal. Each enclosure must have a water container, which is secured as to prevent its being overturned. Each enclosure must be disinfected daily. Surfaces must be of an impervious material to allow disinfecting.

Owners keeping wildlife as pets inside their residence are not required to provide for the requirements of division (B) (4), except there must be separate sleeping quarters. The animals must remain in the owner's home or in the prescribed enclosure, if outdoors. If transported to the veterinarian, it must be kept in an escape-proof cage.

(5) Each animal must be provided with continuous clean water and must be fed a minimum of twice per day, a diet approved by a veterinarian.

(6) Any animal which has bitten or scratched someone must be immediately surrendered to Montgomery County Animal Control for euthanasia and testing by the Department of Health. A live test approved by the Department of Health may be substituted for euthanasia.

(7) Any person who sells or trades these animals must, in addition to the above regulations, obtain an animal dealers license.

(C) Orders regulated by this section (examples provided in parentheses). For the purposes of this ordinance, animals included in these regulations promulgated by Montgomery County Animal Control shall include the European Polecat (ferret) or any hybrid animal, which is part wildlife.

(1) Marsupials (Opossums, kangaroos)

- (2) Chiropteran (bats)
- (3) Edentates (anteaters, armadillos)
- (4) Rodent (porcupines, squirrels, ground hogs, prairie dog, etc.)
- (5) Carnivore (wolves, lions, bears, skunks, raccoons, ferrets)

(D) This ordinance does not apply to domestic dogs, puppies, cats, kittens or gerbils, hamsters or guinea pigs or domestic rats or mice, or domestic rabbits.

(E) No owner or person shall show or display in public, whether gratuitously or for a fee, any reptile, amphibian, or any order of wildlife regulated by this ordinance unless they have obtained the appropriate license.

(F) The standards set forth in this resolution also do not apply to:

- (1) Any zoological garden accredited by the American Association of Zoological Parks and Aquariums;
 - (2) Appropriately licensed theatrical exhibits or circuses;
 - (3) Federally licensed research institutions;
 - (4) Any government agency or its employees who use the animals for an agency related to education, propagation or behavior program; or
 - (5) Any one holding a valid rehabilitation permit from the State Department of Fish and Wildlife Resources, but only for animals which are in rehabilitation and scheduled to be released to the wild.
- (G) Any owner of any type of swine which is kept as a pet and is not part of an agriculture livestock production operation shall have the animal(s) implanted with microchip identification. The owner shall also register that identification information with Animal Control and obtain a SWINE PERMIT.

.009 KEEPING OF DANGEROUS ANIMALS PROHIBITED

No dangerous animal as defined in this resolution shall be kept within Montgomery County.

.010 FEE SCHEDULE

(A) Effective dates. The fee schedule set forth in this section is the schedule of fees which shall be effective on the first day of the month following the month in which MCR# __.001 through MCR# __.090 are adopted. The Director of Montgomery County Animal Control, or other unit of government to which Animal Control may be regulated may submit proposed amendments to this schedule at any time. Any new or revised fees will become effective on the first day of the month following the month in which the amended fee schedule is adopted.

(B) Exemption. No license or permit shall be required for any veterinary hospital, which does not advertise boarding services, municipal animal control facility, law enforcement certified dogs and university operated medical research facility or governmental operated zoological garden.

No license or fee is required of any certified physical assistance dog; documentation of the certification shall be supplied upon request.

(C) Animal Control Building Fund. There is hereby established a separate building fund to be known as the “ Animal Control Building Fund “ for the future building needs of Montgomery County Animal Control. The Montgomery County Accounts and Budgets department shall create a separate account for said fund into which shall be deposited \$ 2.00 collected by Animal Control or other license facility for the issuance of each license and \$ 5.00 from each violation notice collected by Animal Control. Any donations or bequests received from the public for the future building needs of Animal Control shall also be deposited in this account. This fund shall become effective the first day of the month following adoption of this resolution. The amount of said fees contributed to the fund shall remain in effect until amended by the county commission.

(D) Animal control and protection fee schedule.

Redemption’s

Dogs and cats under six months..... \$ 25.00 plus \$ 15.00 per day

.030 IMPOUNDMENT AUTHORIZED; EUTHANSIA OF UNCLAIMED ANIMALS

(A) Unrestrained animals shall be taken by an Animal Control Officer or police officer or may be turned in by any citizen, impounded in the Animal Shelter and there confined in a humane manner. However, if after a reasonable effort the seizure of any such unrestrained animal cannot be made or should the animal present a hazard to public safety or property or have an injury or physical condition which causes the animal to suffer, the Animal Control Officer or police officer may immediately destroy the animal by the most reasonable and humane means then available.

(B) Impounded dogs and cats shall be kept for not less than three (3) business days (or any State mandated holding period), unless reclaimed by their owners. All other domestic animals or owned wildlife shall be held for not less than 48 hours unless reclaimed by their owner. If the owner can be identified by means of a license or rabies tag or otherwise, the impounding agency shall immediately notify the owner by the most expedient means available. Animals impounded with a valid rabies tag shall be sent an impoundment notification card to the address listed by the issuing veterinarian. Animals with a valid rabies tag shall be held for not less than five (5) business days. Montgomery County Animal Control may humanely euthanize animals not reclaimed by their owners within the established time periods and those not placed in suitable homes after such time. However, if an impounded animal has an injury or physical condition which causes the animal to suffer, Montgomery County Animal Control may immediately humanely euthanize the animal. §68-8-107

.031 RECLAIMING IMPOUNDED ANIMALS

(A) Every owner reclaiming an impounded animal, which is subject to the terms of this resolution, shall pay all redemption fees. Said fees shall be paid to Montgomery County Trustee.

(B) Proof of vaccination against rabies shall be required before any dog or cat is released. If no proof of vaccination is shown, a vaccination voucher must be purchased before the animal is released. Rabies vaccination must be administered to the animal within seven (7) days. The administration of the vaccination may be deferred by the veterinarian at their discretion based upon the assessment of need or the health of the animal. §68-8-103

(C) Any dog or cat, which is impounded a second time for violation of restraint requirements within a twelve-month period, the owner shall have the animal spayed or neutered within seven days of the redemption. Verification from the veterinarian performing the surgery shall be provided to Montgomery County Animal Control within seven days of the surgery.

(D) Dogs and cats impounded for violation of the restraint requirements which are wearing a valid Tennessee rabies tag and spayed/neutered, may be redeemed for one half of the redemption plus daily board fees. This does not include animals impounded as Potentially Dangerous Dog, Dangerous Dog, or for humane treatment.

(E) Any owner or person responsible for any animal(s) impounded under this ordinance and charged with a violation thereof, upon conviction shall pay, in addition to the regular redemption and board fees, all veterinary fees and any associated charges incidental to maintaining the animal(s) up to the date of conviction. These fees shall be payable even if the animal(s) is not redeemed or if custody is awarded to the County.

.032 QUARANTINE OF ANIMALS

(A) Any animal (excluding wildlife) which has bitten or scratched someone shall be quarantined for ten days from the time the bite or scratch occurs. Any owner who fails to properly quarantine his/her animal is subject to citation for violation of this ordinance, and the animal shall be moved to the animal shelter for the remainder of its quarantine period. The owner will be responsible for all quarantine fees. §68-8-109

(B) An animal whose owner is unavailable or incapable of quarantining the animal may be taken by Montgomery County Animal Control and quarantined at the Animal Shelter for the prescribed period.

**.033 ISSUANCE OF CITATIONS; VIOLATIONS NOTICES; CONTROL NOTICES;
WARNING CITATIONS**

(A) In addition to, or in lieu of impounding an unrestrained animal or for any violation of this resolution, any Animal Control Officer, police officer or authorized agent may issue a citation to the owner of such animal specifying the section or sections of this resolution so violated and identifying the specific nature of the violation. Such citation shall impose upon the owner the obligation of appearance to answer the charges specified in the citation in the Montgomery County General Sessions Court at the time and place indicated on the citation.

(B) Where violations of the licensing and/or vaccination requirements of this resolution are observed, any Animal Control Officer may issue a violation notice in lieu of a Uniform Citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waived all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to Montgomery County Animal Control. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a Uniform Citation.

(C) Where first offense violations of restraint requirements are observed, any Animal Control Officer may issue a VIOLATION NOTICE in lieu of a Uniform Citation. The VIOLATION NOTICE will stipulate the violation observed associated fees and a compliance date, as well as a waiver provision providing that the person to whom the VIOLATION NOTICE is issued waives all rights to protest such notice and waives all rights to a hearing on the issue relating to that notice. All associated fees shall be paid to Montgomery County Animal Control. Failure to pay the associated fees and/or late fees by the compliance date or failure to waive rights by the compliance date may result in the issuance of a Uniform Citation.

(D) Where an Animal Control Officer observes a violation of the humane treatment provisions of this ordinance which pertain to veterinary care or grooming; or license or vaccination requirements on newly acquired animals, the officer may issue a WARNING CITATION in lieu of a Uniform Citation, stipulating a time by which veterinary treatment, grooming, vaccination or licensing must be administered. If the owner does not comply with the terms of the WARNING CITATION by the specified time, a Uniform Citation may be issued.

(E) Where an Animal Control Officer observes a dog being kept on a chain or tether, in potential violation of the restraint definition in this ordinance, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not correct the situation, or notify Montgomery County Animal Control within seventy-two (72) hours of the placement of such notice that the dog has been removed from the chain or tether, the dog may be removed and the owner issued a Control Notice or Uniform Citation for violation of the restraint requirement.

(F) Any owner of a dog or cat which is cited and convicted, or pleads guilty to a restraint violation of this ordinance on two occasions within a twelve-month period or whose animal is impounded twice within a twelve-month period for a restraint violation of this ordinance, or a combination of two separate incidents of citation and impoundment within a twelve-month period, shall have the animal spayed or neutered within seven days of the conviction or plea. Verification from the veterinarian performing the surgery shall be provided to Montgomery County Animal Control in writing within seven days of the surgery.

HUMANE TREATMENT OF ANIMALS

.040 PROVISIONS OF NECESSITIES

No owner shall fail to provide his animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming into contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed to protect the animal from precipitation and of a material, which provides insulation from temperature extremes. In addition to the shelter a shaded area shall also be provided by means of other structures, tree(s) or awning(s). The

shelter shall have a floor, which is dry and constructed of a material, which provides insulation, or the floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather extremes per §39-14-202(2)

.041 RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS

If any animal is restrained by a chain, leash or similar restraint, it shall be designed and placed as defined under RESTRAINT in this ordinance.

.042 ABANDONMENT

No person shall abandon any animal, abandonment consisting of; leaving an animal for a period in excess of 24 hours, without providing for someone to feed, water, and check on the animal's condition, or leaving an animal by a roadside or other area, or leaving an animal on either public or private property without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer or police officer and impounded in the Animal Shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the impounding section. In the event that an animal is so abandoned, the owner or the person, if any, whom he has charged with the animal's care, shall be subject to a citation for violation of this section per §39-14-202(3).

.043 CROPPING OF EARS OR TAIL

No person shall crop a dog's ears or tail, except a veterinarian.

.044 CRUELITIES OR EXHIBITION FIGHTING PROHIBITED

(A) No person shall cause or allow cruelty to be inflicted on an animal per § 39-14-202.

(B) No person shall cause or permit any dogfight, cockfight or other combat between animals pursuant to §39-14-203. For the purpose of this paragraph, neglect, cruel, ill treatment and torment of an animal shall be defined as a failure by a person to adhere to the requirements and provisions of .040. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in a dogfight, cockfight or other combat, custody of such animal may be taken by an Animal Control Officer, police or humane officer, and impounded in the Animal Shelter or other facility maintained by a humane society. The animal shall be held as evidence, and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, and cruelly ill-treated or tormented or involved in a dogfight, cockfight or other combat between animals, the animal shall become the property of Montgomery County.

(C) No person shall own, possess, keep or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep or train any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, he shall be liable for citation for violation of this ordinance, and subject to the penalties provided in .073.

(D) No person shall be present at any dogfight, cockfight or combat between animals. In the event that a person is present at a dogfight, cockfight or combat between animals, he shall be liable for citation for violation of this resolution and subject to the penalties provided in .073.

(E) Any person who is found present at a dogfight, cockfight or combat between animals, and who is charged with being a spectator in violation of this ordinance, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this ordinance. The animal shall be confiscated if found on the premises or in the immediate area of the dogfight, cockfight or combat between animals per § 39-14-203.

.045 SALE OF FOWL OR RABBITS

- (A) No person shall sell, trade or display any chicks, ducks, rabbits or other fowl, unless:
- (1) Such person sells, trades or displays six or more such animals; or
 - (2) Each animal is two months or older; or
 - (3) Each rabbit weighs three pounds or more.

(B) No chick, duck, rabbit or other fowl may be dyed or colored in any way and the owner of such chick, duck, rabbit or other fowl must provide proof of the age of the animals per § 39-14-204.

(C) This section shall not apply to approved agricultural methods in accordance with the USDA.

.046 POISONS

No person shall place any poisonous substance, which may be harmful to any domesticated animal, as described herein, in any location where it may be readily found and eaten by such animal. §70-4-125

.047 OFFERING ANIMAL AS PRIZE OR AWARD

(A) No person shall offer any live animal, as a prize or reward in connection with any raffle, protest, demonstration, promotion or as an incentive to participate in any game, promotion or otherwise.

(B) No person shall sell, adopt or otherwise give away animals from any location other than their personal residence or business or any location licensed by Montgomery County for such purpose.

(C) This section shall not apply to licensed non-profit pet adoption organizations.

.048 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED

No person shall raise or kill a dog or cat for food or the skin or fur; nor shall any person or business possess any items made from or containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

.049 MUTILATION OF ANIMALS.

No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter per § 39-14-212.

.050 SEXUAL ACTS WITH ANIMALS.

No person shall engage, cause, or allow any other person to engage in a sexual act with any animal.

.051 REMOVAL OF ANIMAL IN IMMEDIATE DANGER.

Any animal observed by a police or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

.052 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this chapter may be confiscated by any Animal Control Officer or police officer and held in a humane manner.

(B) Upon a hearing before a court judge, and that judge finding probable cause for the charge, the court shall order immediate forfeiture of the animal to Montgomery County unless the owner, within

twenty-four (24) hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and veterinary fees in the amount of \$150.00 (\$5.00 per day) for each animal, for the first thirty (30) days, whichever is greater. This same process shall be followed each thirty (30) day period until the case has been adjudicated.

(1) Upon a plea or finding of guilt, the cash bond(s) shall be immediately paid to Montgomery County Animal Control. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that has not been encumbered by daily costs at the time of the plea or finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to Section B herein above shall become the property of Montgomery County.

(2) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner

(3) The Montgomery County Animal Control shall be allowed reasonable access to inspect the property of anyone found guilty of violation of any of the provisions under .050 through .061 of this Chapter.

.053 TRANSPORTATION OF ANIMALS

It shall be unlawful to transport or confine an animal in a cruel manner. This shall include transportation of an animal in the bed of a truck improperly restrained as to prevent falling or being thrown from the bed.

.061 PET SHOPS

(A) All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties provided in .90. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) There shall be available hot water at a minimum temperature of 140F for washing cages and disinfecting and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over, and to be of the type that are removable for cleaning.

(C) Room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.

(D) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and lie down in the natural position. Each cage must be cleaned and disinfected each day.

(E) All animals under three months of age are to be fed at least three times per 24 hours. All animals from three months to nine months of age are to be fed at least two times per 24 hours. All other animals must be fed at least one time per 24-hour period. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning.

(F) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned everyday, and cages must be disinfected when birds are sold or otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.

(G) There shall be sufficient clean, dry bedding to meet the needs of each individual animal.

(H) All animals must be fed and watered, and all cages cleaned every day, including Sundays and holidays.

(I) Each purchaser of a dog, cat, puppy or kitten shall be provided with a copy of section .071 of the Montgomery County Animal Control Resolution by the pet shop.

.062 RIDING SCHOOLS OR STABLES

(A) All riding schools or stables as defined herein shall, in addition to other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties provided in .090. Facilities shall be subject to inspection by an Animal Control Officer upon request during reasonable hours.

(B) All animals shall be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) All equipment used for riding must properly fit the animal.

(D) Shelter

(1) All buildings and sheds used for stabling animals shall be:

(a) Well lit and ventilated and provide adequate protection from the weather; and,

(b) Kept clean and in good repair at all times and manure and urine shall be

removed there from daily.

(2) Acceptable bedding material must be provided.

(3) Any enclosure where animals are kept shall be graded and raked to keep the surface reasonably dry.

(E) Flies and other insects must be controlled through general sanitation and necessary means.

(F) Animals let for riding purposes must be in good physical condition.

(G) Riding stables which rent or lend horses to the general public and pony rides shall, in addition to the above requirements also adhere to the following standards.

(1) Animals exhibiting the following shall be deemed unfit for work:

(a) Sores or abrasions caused or likely to be irritated by the bearing or services, girth, harness or bridles, unless packing could be utilized.

(b) Serious injury or illness.

(c) Obvious signs of emaciation, malnutrition, lameness or exhaustion.

(2) Animals requiring veterinary care shall not be moved, ridden or driven except for the purpose of humane keeping, pasturing or obtaining medical care.

(3) Animals shall be properly shod and the hooves shall be kept trimmed.

(4) Animals shall be kept clean particularly in the areas in contact with harness or other tack.

(5) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(6) Animals shall not be worked when the temperature at the workplace reaches or exceeds 95 F. Animals which are on heat stress treatment which has been prescribed by a veterinarian may be worked while under such treatment as long as a veterinarian is on the premises of the workplace.

(7) No animal shall be over-ridden or driven to result in overheating or exhaustion.

(8) All harnesses and bridles shall be kept clean and in good repair.

(9) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or ridding crop must be used so as not to cause injury to the animal.

(10) The Montgomery County Animal Control may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

- (a) Excessive parasitism, diagnosed by a veterinarian which would cause the animal to be unfit to be ridden or driven.
- (b) General malnutrition as diagnosed by a qualified veterinarian
- (c) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

(H) All stalls, barns, paddocks, fields or any enclosures where horses or ponies are kept, shall be secured by gates and fencing that is in good repair and sufficient to prevent the animal(s) from leaving such enclosure.

.063 HUMANE SOCIETIES.

(A) All humane societies, as defined herein, shall, in addition to the other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to .020 through .023 and the issuance of a citation subjecting the owner to the penalties provided in .90. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) There shall be available hot water at a minimum temperature of 140 F. for washing cages and disinfecting and cold water easily accessible to all parts of the building. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over, and to be of the type that are removable for cleaning.

(C) Room temperature of the building shall be maintained at a level that is healthful for every species of animals kept.

(D) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and lie down in the natural position. Each cage must be cleaned and disinfected each day.

(E) There shall be sufficient clean, dry bedding to meet the needs of each individual animal.

(F) All animals must be fed and watered, and all cages cleaned every day, including Sundays and holidays.

(G) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the animal.

(H) All animals over the age of four months when sold or adopted must have a Montgomery County License and a valid rabies vaccination. Each purchaser of a dog, cat, puppy or kitten shall be provided with a copy of section .071 of the Montgomery County Animal Control Resolution by the pet shop and with a MONTGOMERY COUNTY DOG/CAT LICENSE APPLICATION.

(I) All animals over the age of six months, which are purchased or otherwise obtained from a humane society shelter, must within 60 days of purchase or obtainment, be surgically altered to prevent breeding. Animals under the age of six months when purchased or otherwise obtained must be surgically altered within 60 days of becoming six months of age. This provision shall not apply to any animal reclaimed by its owner.

(J) Animals accepted which have no known owner must be held for not less than three (3) business days (or any State mandated holding period), unless reclaimed by their owners. All other domestic animals or owned wildlife shall be held for not less than 48 hours unless reclaimed by their owner. If the owner can be identified by means of a license or rabies tag or otherwise, the impounding agency shall immediately notify the

owner by the most expedient means available. Animals impounded with a valid rabies tag shall be sent an impoundment notification card to the address listed by the issuing veterinarian. Animals with a valid rabies tag shall be held for not less than five (5) business days. Business hours must be sufficient to permit the owner to reclaim the animal. Redemption fees or all fees associated with redemption for such animals cannot exceed those established by this ordinance and charged by Montgomery County Animal Control.

(K) A record must be kept on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning in the animal.
- (2) Date received.
- (3) Condition and medical treatment
- (4) Date sold, adopted or euthanized
- (5) Name and address of new owner
- (6) Date animal was surgically altered, and name of veterinarian

(L) Failure to keep such records and/or failure to release said records to authorized personnel of Montgomery County Animal Control shall be grounds for issuance of a citation to the person, and/or revocation of any license issued pursuant to this Chapter.

.064 ANIMAL-DRAWN VEHICLES

(A) All operators and owners of animal-drawn vehicles shall, in addition to other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for, the issuance of a citation subjecting the owner to the penalties provided in .090. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) All animals shall be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) All equipment used must properly fit the animal.

(D) Shelter

(4) All buildings and sheds used for stabling animals shall be:

- (a) Well lit and ventilated and provide adequate protection from the weather; and,
- (b) Kept clean and in good repair at all times and manure and urine shall be

removed there from daily.

(5) Acceptable bedding material must be provided.

(6) Any enclosure where animals are kept shall be graded and raked to keep the surface reasonably dry.

(E) Flies and other insects must be controlled through general sanitation and necessary means.

(F) All animals used for carriage horse tours must weigh at least 800 pounds and be considered in generally good health. Any owner or operator of an animal-drawn vehicle who desires to use an animal for this purpose, which does not weigh 800 pounds, must apply to Montgomery County Animal Control for approval in writing prior to such use.

(G) Animals exhibiting the following shall be deemed unfit for work:

- (1) Sores or abrasions caused or likely to be irritated by the bearing or services, girth, harness or bridles, unless packing could be utilized.
- (2) Serious injury or illness.
- (3) Obvious signs of emaciation, malnutrition, lameness or exhaustion.

(H) Animals requiring veterinary care shall not be moved, ridden or driven except for the purpose of humane keeping, pasturing or obtaining medical care.

(I) Animals shall be properly shod and the hooves shall be kept trimmed.

(J) Animals shall be kept clean particularly in the areas in contact with harness or other tack.

(K) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(L) Animals shall not be worked when the temperature at street level at all loading sites, reaches or exceeds 95 F.

(M) Animals, which are on heat stress-preventative treatment, which has been prescribed by a veterinarian, may be worked while under such treatment as long as a veterinarian is on the premises of the workplace.

(N) No animal shall be over-ridden or driven to result in overheating or exhaustion.

(O) All harnesses and bridles shall be kept oiled, clean and in good repair.

(P) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(Q) The speed at which any animal is driven shall not exceed a slow trot.

(R) Carriages must be kept properly lubricated, and wheels must spin freely.

(S) The Montgomery County Animal Control may order quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(1) Excessive parasitism, diagnosed by a veterinarian which would cause the animal to be unfit to be ridden or driven.

(2) General malnutrition as diagnosed by a qualified veterinarian.

(3) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

(4) Owners or operators of animal-drawn vehicles shall not permit unsanitary conditions to be present on any city route, animal rest area or any area where the animals are kept. All such areas shall be kept clean and free of conditions which might harbor or be conducive to, the breeding of insects or rodents

.065 SALE OF ANIMALS FROM COUNTY SHELTER

(A) All dogs and cats purchased or obtained from Montgomery County Animal Control must be surgically altered to prevent breeding in accordance with TCA 44-17-502. If an animal is considered sexually mature

(4 months of age or older) the animal will be transported to a local veterinarian for surgery. If an animal is less than 4 months, the adoption contract will stipulate the time at which the animal must be taken to a veterinarian for surgery. For purposes of this ordinance "obtained" does not apply to reclaimed animals.

(B) Prior to the sale or adoption of any animal from the Montgomery County Animal Control, the prospective adopter will be required to complete an adoption application. The application is designed to determine the prospective owner's ability to properly care for the animal. Past experiences and knowledge of the prospective owners by Animal Control personnel, as well as previous violations of this ordinance by the prospective owners, may be ground to refuse the sale or adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past 12 months, whether the prospective owner has owned a pet which has died without

appropriate veterinary care, and whether the prospective owner is purchasing the animal solely for guard or attack purposes. The Animal Shelter is not obligated to sell any animal in its custody.

(C) Any person adopting an animal is required to comply with all stipulations and conditions set forth in the Adoption Agreement. Failure to do so may result in the issuance of a Uniform Citation for violation of this section and forfeiture of the animal.

.066 THEATRICAL EXHIBITS

(A) All theatrical exhibits as defined herein shall, in addition to other requirements of this ordinance, comply with the minimum standards of this section. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top or any other animal or waste.

(C) Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.

(D) The enclosure, performance or exhibit area shall include a barrier located in such manner as to prevent the public from coming in contact with the animal.

(E) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as to not cause injury to the animal.

(F) No animal shall be caused to fight, wrestle or be physically matched against any other animal or person.

(G) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.

(H) The Montgomery County Animal Control must be notified of all displays or performances, including date, time and exact location at least 48 hours in advance of a display or performance.

SALE OF ANIMALS

.070 EXOTIC SPECIES; KEEPING OF RECORDS

(A) *Exotic species.* Any pet shop, animal dealer or other person who transfers or permits to be transferred the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least three years. These records shall include:

- (1) Point of origin of the animal.
- (2) The medical history of said animal, including, but not limited to, vaccinations, diseases, and treatment.
- (3) The date the pet shop, animal dealer, or other person came into possession of the animal.
- (4) The date of transfer and the transferee's name and address.

(B) *Records available.* These records shall be kept by the transferor and shall be made available to Montgomery County Animal Control or other authorized agent upon request.

(C) *Grounds for citation.* Failure to keep such records and/or to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner or person transferring such animals to the penalties contained, pursuant to .090 and/or the revocation of any license issued pursuant to this ordinance.

.071 PUPPIES, DOGS, KITTENS, CATS; CERTIFICATION AS UNFIT FOR PURCHASE

(A) Effective upon passage of this resolution, no pet shop, animal dealer, or other person shall sell any puppy, dog, kitten, or cat which is unfit for purchase. The purchaser of a puppy, dog, kitten or cat from a pet shop, animal dealer, or other person, which suffers or dies of a disease or parasitic infection must have these conditions or death certified by a veterinarian within 30 days of the purchase date as evidence that the animal was unfit for purchase. A veterinarian must certify any puppy, dog, kitten, or cat, which suffers from any congenital or hereditary condition, as unfit for purchase within one year of the date of purchase.

(B) In the event that a puppy, dog, kitten, or cat is certified as unfit for purchase and such certification is presented in writing to the pet shop, animal dealer, or other person, within 72 hours of the veterinary certification, the owner or purchaser may choose one of the following options and the pet shop, animal dealer or other person shall be obligated to fulfill the conditions of the chosen option.

(1) The owner or purchaser may return the puppy, dog, kitten or cat for exchange equal to the full purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten or cat, to any veterinary fees incurred relating to the disease, defect or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten or cat is unfit for purchase pursuant to .071; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect or infection.

(2) The owner or purchaser may retain the puppy, dog, kitten or cat and attempt to cure the disease, defect, infection, or to ameliorate the condition caused by the disease, defect, or infection. The pet shop, animal dealer, or other person shall be responsible for the cost of the veterinary fees incurred related to the disease, defect, or infection for which the puppy, dog, kitten, or cat plus tax.

(3) The pet shop, animal dealer, or other person may contest a demand for veterinary expenses, refund, or exchange made by the purchaser or owner if done so in writing within two days of the owner or purchaser's presentation of a certificate of unfitness. In the event that the pet shop, animal dealer, or other person wishes to contest a demand for veterinary expenses, refund, or exchange made by the purchaser or owner pursuant to .071, the pet shop, animal dealer, or other person shall have the right to require the consumer to produce the puppy, dog, kitten or cat for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement which constitutes one of the options set forth in divisions (B) (1) through (4) within ten business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such reimbursement of veterinary expenses, refund or exchange.

.072 WAIVERS

(A) A purchaser may sign a waiver knowingly relinquishing all of the above rights specified in .071(B). The waiver must include the following language:

"These are your rights under **Resolution # _____** of Montgomery County. If you purchase any puppy, dog, kitten or cat, which is certified by a veterinarian as unfit for purchase within 30 days following the date of purchase, or in the case of a congenital or hereditary condition, within one year following the date of purchase or if such animal dies and is so certified, and if you present such certification in writing to the seller within 72 hours, you have the right to return the animal to the seller for a full refund or exchange of equal value, or you may keep the animal and attempt to cure the condition. You may also recover certain qualified veterinary fees up to the purchase price of the animal. If you sign this waiver you will lose these rights."

(B) The waiver must be in bold print and signed by the buyer. If such waiver is signed by the buyer, the pet shop, animal dealer, or other person may offer his or her own warranty, or sell the puppy, dog, kitten or cat "as is."

(C) In addition to the other requirements of this section, the owner of each puppy, dog, kitten or cat, which is placed for sale, adoption or placement, shall maintain a record, which documents the origin of the animal. This record shall contain the name, address and telephone number of the kennel/cattery and its owner, or the individual, which produced the animal. In the case of adoption from a licensed humane or government operated shelter, the record must indicate if the animal was a stray, where it was picked up and by whom; if previously owned, the name and address. This record shall be available to Montgomery County Animal Control.

(D) The document shall also contain, other than if being adopted from a shelter, if the animal originates from:

(1) **MONTGOMERY COUNTY**, the Animal dealer, Pet Shop, Kennel or Cattery license number, or the individual Dog/Cat license number of the female dog/cat that produced the litter or individual animal.

(2) **TENNESSEE**, (outside Montgomery County) the State Kennel License or individual Dog License number(s) and the United States Department of Agriculture (USDA) Animal Dealer license number (if applicable) of the owner that produced the litter or individual animal.

(3) **OUTSIDE TENNESSEE**, the USDA Animal Dealer license number (if applicable) of the owner that produced the litter or individual animal.

(E) All advertisements for sale, adoption or placement of these animals within Montgomery County must contain the owners Animal Dealer, Pet Shop, Kennel or Cattery license number and/or their individual Dog/Cat or Multiple Cat Household license number.

.073 DANGEROUS ANIMALS

No dangerous animal as defined in this resolution shall be kept within Montgomery County.

.080 DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

(A) Determination of a potentially dangerous dog

(1) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Animal Control Authority, the Animal Control Director or his/her designee is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in the definition and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) business days after the completion of the investigation.

(2) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee appointed by the mayor by giving written notice of appeal within five (5) business days to the Animal Control Director or his/her designee. If there is probable cause to believe that the dog is a potentially dangerous dog and may pose a threat to public safety, the Animal Control Director or his/her designee may obtain a search warrant pursuant to law and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of **.080 (E)**. The owner of the dog may be liable to this jurisdiction for the costs and expenses of keeping the dog. The dog will be considered potentially dangerous pending the appeal.

(B) Determination of a dangerous dog

(1) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Animal Control Authority, the Animal Control Director or his/her designee is authorized to make a determination whether a dog is dangerous based on the factors listed in the definition and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) business days after completing the investigation.

(2) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee appointed by the mayor by giving written notice of appeal within five (5) business days to the Animal Control Director or his/her designee. If there is probable cause to believe the dog to be a dangerous dog and that the animal poses an imminent threat to public safety, the Animal Control Director or his/her designee may obtain a search warrant pursuant to law and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of **.080 (E)**. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog if the dog is determined to be a dangerous dog. The dog will be considered dangerous pending the appeal.

(3) A decision by the committee overturning the Animal Control Director or his/her designee's determination shall not affect the Animal Control Director or his/her designee's right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

(C) Exceptions

No dog shall be declared a dangerous or potentially dangerous dog if:

(1) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(2) The threat, injury, or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(b) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(c) Who was committing or attempting to commit a crime; or

(3) The dog was:

(a) Responding to pain or injury, or was protecting itself, its offspring; or

(b) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(D) Consequences of a dangerous or potentially dangerous dog determination

(1) If the Animal Control Director or his/her designee determines that a dog is a potentially dangerous dog under the definition, the owner shall comply with the provisions of **.080 (E)** and any other special security or care requirements the Animal Control Director or his/her designee may establish.

(2) If the Animal Control Director or his/her designee determines that a dog is a dangerous dog under definitions, the owner shall comply with the provisions of **.080 (E)** and any other special security or care requirements the Animal Control Director or his/her designee may establish.

(3) The Animal Control Director or his/her designee may require impoundment of the dog until the owner of the dog has satisfied all the requirements of the certificate of registration holding permit. The requirements must be met within thirty (30) days. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first (31) day.

(E) Dangerous dog and potentially dangerous dog confinement and handling requirements

(1) The Animal Control Director or his/her designee shall determine if the owner of a potentially dangerous dog has established to the satisfaction of the Animal Control Authority that:

(a) The owner of the potentially dangerous dog is 18 years of age or older;

(b) The potentially dangerous dog has a current rabies vaccination;

(c) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog as described **ENCLOSURES (2)**;

(d) The potentially dangerous dog has been spayed or neutered;

(e) The potentially dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered with the animal control authority of the jurisdiction; and

(f) The potentially dangerous dog owner shall enter the dog in a socialization and/or behavior program approved or offered by the jurisdiction.

(2) The Animal Control Director or his/her designee shall determine if the owner of a dangerous dog has established to the satisfaction of the Animal Control Authority that:

(a) The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable;

(b) The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and

(c) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs

children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or 50 feet, whichever is less.

(3) The Animal Control Director or his/her designee may order the immediate impoundment or humane euthanasia of a dangerous dog if the owner fails to abide by the conditions of confinement or handling of a dangerous dog.

(4) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified as defined for thirty-six (36) months since the date of the potentially dangerous dog determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors.

(F) Dangerous or potentially dangerous dog owner responsibility

It shall be unlawful to:

(1) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person as defined, muzzled, and restrained by a lead not exceeding four (4) feet in length; The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(2) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous dog shall be caged or under the control of a responsible person as defined, muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(3) Fail to notify the Animal Control Authority immediately upon escape if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; within five (5) business days if the dog has died; and within twenty-four (24) hours if the dog has been sold or has been given away. If the dangerous or potentially dangerous dog has been sold or given away, the owner shall also provide the Animal Control Director or his/her designee with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog;

(4) Fail to surrender a dangerous or potentially dangerous dog to the Animal Control Director or his/her designee for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses an imminent threat to public safety; or

(5) Fail to comply with any special security or care requirements for a dangerous or potentially dangerous dog the Animal Control Director or his/her designee may have established pursuant to the finding that the dog was potentially dangerous or dangerous.

.090 PENALTIES

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor offense in accordance with Tennessee Code Annotated (TCA) 40-35-111 and shall be so punished. Each day a violation continues, the violation shall constitute a separate offense.

(A) Any person found guilty of owning a Dangerous Dog, in addition to the penalties imposed, may be required by a court to have the dog humanely euthanized if in the opinion of that court the Severe Attack warrants such action per § 44-17-120

(B) Any person found guilty of owning a Potentially Dangerous Dog or Dangerous Dog shall have the animal spayed or neutered within seven days of that finding. Proof of the surgery must be provided to Montgomery County Animal Control within twenty-four hours of its performance.

(C) Any person found guilty of owning a Potentially Dangerous Dog or Dangerous Dog, in addition to any other penalties or stipulations imposed shall within seven days of that finding also have the dog

implanted with microchip identification. Within seven days of that implantation the owner shall present the animal to Montgomery County Animal Control for scanning and verification of the microchip and identification number.

(D) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of MCR# .040 through .051 and MCR # .073 shall also be required to relinquish ownership of the animal(s) to the county immediately upon that conviction.

.091 CONFLICTING REGULATIONS

All other Regulations of Montgomery County, Tennessee that are in conflict with these Regulations are hereby repealed to the extent of such conflict. Notwithstanding anything in these Regulations to the contrary, nothing contained herein shall be construed to prohibit animal control officers or law enforcement officers of Montgomery County, Tennessee to take action consistent with these Regulations or any similar municipal ordinance or state law within the corporate limits of any incorporated municipality in Montgomery County, Tennessee if requested to do so by an appropriate representative of said municipality. Nor shall anything contained herein be construed as a limitation on the authority of any law enforcement officer to enforce the criminal laws of Tennessee regarding the care, treatment and responsibility for animals.

.092 SEVERABILITY

The provisions of these Regulations are declared to be severable. If any section, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of these Regulations, but they shall remain in effect; it being the legislative intent that these Regulations shall remain in effect notwithstanding the validity of any part.

These regulations shall become effective upon adoption of this resolution.

Duly passed and approved this the 13th day of August, 2007.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk