

Sec. 3-101. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any dumb creature including, but not limited to, dogs, cats, warm blooded mammals, birds, reptiles and fish.

Owner means any person possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal covered by this chapter for a period of three (3) or more days.

Running at large means any animal which is not confined to its owner's property.

Stray means any dog or cat which does not wear a rabies tag and license tag or which has not had a vaccination within the time period required by law or any animal which is not cared for, harbored or maintained according to the provisions of this chapter or other applicable laws.

Vaccination means the administration by a licensed veterinarian of a rabies vaccine approved by the state department of health at such times as shall be required by the general laws of the state.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-102. - Animals at large.

No person owning or having possession, charge, care, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another, if such animal is not under sufficient restraint as to allow the animal to be controlled.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-103. - Restraint of animals.

Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that such animal may be off such premises if it is under the control of a competent person and restrained by a chain, leash or other means of visible control.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-104. - Keeping of animals which disturb peace, comfort or health.

No person shall keep within the city limits any animal which by reason of frequent or continual noise or unsanitary conditions disturbs the peace, comfort or health of neighbors.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-105. - Animals causing unsanitary conditions.

Within the corporate limits of the city, the owner or custodian of any animal shall be responsible for the removal of solid waste deposited by said animal on the property of another, including, but not limited to, sidewalks, greenways, parks and other public areas. Failure to remove said animal waste constitutes a violation of this provision. This section shall not apply to guide dogs and other service animals

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-106. - Disposal of dead animals.

No person shall place or leave the carcass of any dead animal in any street, alley or lot, or allow the carcass to remain on his property for an unreasonable time when he knows or should have known of the existence of said carcass.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-107. - Vaccination, licensing and registration requirement.

The owners of all dogs and cats in the city shall have such animals vaccinated as well as licensed and registered in accordance with the provisions of state and Montgomery County law and regulations. The owners of all dogs and cats in the city shall ensure that such animals wear a license and rabies vaccination tag at all times as required by state and Montgomery County law and regulations.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-108. - Exemptions from vaccination, licensing and registration requirement.

The provisions of this chapter requiring certain animals to be licensed or vaccinated shall not apply to those animals owned by or in charge or care of persons who are nonresidents of this city traveling through the city or temporarily sojourning therein for a period not exceeding thirty (30) days, nor to animals temporarily brought into this city for the exclusive purpose of entering the animal in a show or other exhibition and kept at such show for exhibition, provided such animal has been vaccinated against rabies pursuant to law.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08)

Sec. 3-109. - Keeping of cattle, horses, sheep, goats, swine or poultry in residential areas.

- (a) *General prohibitions.* It shall be unlawful for any person to keep or allow to be kept cattle, horses, sheep, goats, swine or poultry of any kind in any residentially zoned district within the city limits except as may be permitted by any applicable city zoning law.
- (b) *Exceptions pertaining to poultry.* Notwithstanding the provisions of (a) above, or any applicable

zoning restrictions pertaining to the same, the keeping of poultry may be permitted subject to the following restrictions, prohibitions, and conditions:

- (1) The keeping of domesticated hens (female chickens) shall be allowed in the residentially zoned districts of E-1, R-1, R-1A, R-2, and R-2A.
- (2) Other types of fowl and poultry, such as ducks, geese, quail, pigeons, or turkeys shall not be considered domesticated hens.
- (3) Roosters shall be prohibited. Breeding of permitted hens shall be prohibited on property premises. On-site slaughtering is prohibited.
- (4) All domesticated hens shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken enclosure must include a covered coop structure (henhouse). The chicken coop shall provide at least two (2) square feet per chicken and shall not exceed fifty (50) square feet. The chicken enclosure shall provide at least six (6) square feet per bird, and the enclosure shall also include the coop within the enclosure, and the entire enclosure shall not exceed a total of four hundred (400) square feet. The maximum height of the coop shall be no more than ten (10) feet at the highest point as measured from the ground directly beneath the highest point of the coop. the enclosure and coop shall be located in the rear of the property ten (10) feet away from any side property line. The lot area for keeping domesticated hens shall be a minimum of nine thousand (9,000) square feet. The coop shall be covered and enclosed on all sides. The enclosure shall be open to the air above, or the enclosure may be covered by a permeable material approved by the department of building and codes. A maximum of six (6) chickens may be permitted on any parcel or tract of property.
- (5) Any food storage shall be kept in airtight, predator proof, and weather proof containers.
- (6) There shall be a one-time application fee of fifty dollars (\$50.00) for any person applying for a chicken permit. As a part of the permit process and at the time of the permit application the applicant shall provide a site drawing showing the location of the proposed chicken enclosure and the chicken coop in relationship to the applicant's real property line boundaries. Final permit approval shall be subject to inspection of the completed structure by the department of building and codes.
- (7) The permit applicant must own and occupy the property for which the permit is applied. The permit cannot be transferred or assigned to any other person. A permit shall expire upon the sale or other transfer of the property, or if the permit holder ceases to reside at the property for which the permit was granted.
- (8) A permanent screening buffer shall be required. The screening buffer shall be located no closer than the minimum front yard setback of the applicant's property. This permanent screening buffer may be a fence, shrubbery, or other similar structure or plant.
- (9) The chicken coop and enclosure shall be well maintained and regularly cleaned to control

dust, odor, and waste, in order to not constitute a nuisance, safety hazard or health problem to surrounding property. As part of proper maintenance, the permit holder must remove any chicken waste on a regular basis, at least biweekly, and dispose of it in a proper manner. Chicken waste includes excrement, uneaten feed, feathers, or other waste items. If the enclosure and coop are not properly maintained and results in the occurrence of a nuisance, the department of building and codes may treat the nuisance as any other nuisance pursuant to existing law, regardless if the permit holder has an otherwise valid permit.

- (10) Any permit issued may be revoked by city court upon a finding of any violation by any person of any provisions herein.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08; Ord. No. 6-2012-13, § 1, 9-6-12; Ord. No. 56-2014-15, § 1, 6-4-15; Ord. No. 16-2018-19, 10-4-18)

Sec. 3-110. - Citation; city court adjudication, assessment of civil fine.

Any city law enforcement officer, and/or city department of building and codes official or his/her designee, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in city court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The city court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, said fine to be in an amount of fifty dollars (\$50.00) for each violation. Each day of violation shall be deemed a separate violation.

(Ord. No. 31-2008-09, §§ 1, 2, 12-23-08; Ord. No. 6-2012-13, § 2, 9-6-12)

Sec. 3-111. - Regulations governing animals in city parks and recreation areas.

Dogs and other domesticated animals are prohibited from all city-owned and operated ball fields and are also prohibited at any city-owned or operated park or recreational area or city street during city-sponsored festival, concert, or holiday events unless otherwise authorized by resolution of the city council. This prohibition shall not apply to guide or service animals for the disabled within said city public parks or recreation areas or during said events. Any person, organization, or entity in violation of this provision may be issued a citation and assessed a civil fine in accordance with section 3-310.

(Ord. No. 97-2008-09, 11-5-09)

Secs. 3-112, 3-113. - Reserved.

Sec. 3-114. - Roadside sale of animals prohibited.

- (a) It shall be unlawful for any person, firm, or corporation, to attempt to sell, exchange, trade, barter, lease, rent, donate or display for a commercial purpose any dog or cat on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market or other outdoor market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.
- (b) This section does not apply to the display of animals in a pet shop, commercial kennel, or veterinarian's office, or by a 501(c)(3) nonprofit rescue group, breed club, animal training organization, or animal welfare society.
- (c) In addition to the city police department, the city department of building and codes shall also have the authority to enforce the provisions of this section.
- (d) Any person in violation of this section may be issued a citation and assessed a civil fine in accordance with section 3-110.

(Ord. No. 81-2010-11, 6-2-11)

Sec. 3-115. - Breeder's license required for all dog or cat breeders.

- (a) Any person who, for compensation, breeds a dog or cat, shall obtain a breeder's license from the department of finance and revenue.
- (b) A breeder's license shall be valid for one (1) year and must be renewed each year, except that such a license shall not be required upon a showing of proof of spaying and/or neutering, as applicable, of all animals upon the premises.
- (c) The fee for a breeder's license shall be two hundred fifty dollars (\$250.00) per year.
- (d) Facilities or quarters where animals are kept shall meet minimum sanitation standards in accordance with state and local law.
- (e) Advertisement for the sale of cats or dogs may only be conducted by a person with a valid breeder's license. Any such advertisement shall contain the breeder license number.
- (f) Any person holding a valid commercial breeders license issued by the state pursuant to T.C.A. § 44-17-701 et seq. is exempt from this section.
- (g) In addition to the city police department, the city department of building and codes shall also have the authority to enforce the provisions of this section.
- (h) Any person in violation of this section may be issued a citation and assessed a civil fine in accordance with section 3-110.

(Ord. No. 82-2010-11, 6-2-11)