

TITLE 10

ANIMAL CONTROL

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CHAPTER 1

IN GENERAL

SECTION

- 10-101. Keeping of poultry or fowl within residential and the corporate limits.
- 10-102. Dog stands, animals, fowl, and pets.
- 10-103. Fee to claim animals picked up by city.
- 10-104. Running at large, noise, etc. prohibited; dog park.

10-101. Keeping of poultry or fowl within residential and the corporate limits. (1) It shall be unlawful for any person to engage in any form of commercial poultry or egg business within a residential district of the corporate limits of the City of Bartlett.

(2) A residential district is hereby defined as the land fronting on both sides of a street and extending to the rear lot lines, where, at the time of enactment of the ordinance comprising this section, less than twenty-five percent (25%) of the frontage is used for commercial and industrial purposes within a distance of two hundred (200) feet to a site where a building or structure is proposed to be erected, altered or used for commercial or industrial purposes or the land used for such purposes. If there is an intersecting street within said two hundred (200) feet of such a site, the residential district shall extend only to the street line of such street. In determining the percentage of commercial and industrial frontage in any district, land and buildings used for the following purposes shall be considered as residential frontage:

- (a) Churches, Sunday schools, and other places of worship;
- (b) Public schools, libraries and other public buildings, and public parks and playgrounds;
- (c) Hospitals or sanitariums;
- (d) Vacant land.

(3) It shall be unlawful for any family to keep at any time more than eight (8) hens per family member.

(4) It shall be unlawful for day-old or young poultry to be kept or housed within a residential district as hereinabove defined in excess of the number of twenty-five (25) per family member.

(5) It shall be unlawful for any person to permit poultry or fowls to run at large upon the property of others, or permit buildings, runs, pens, or yards within which such fowls are kept to become dirty and littered to the extent that they attract flies, become a breeding place for flies, or create an odor that is offensive and inimical to the health and general welfare of the citizens adjacent thereto.

(6) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #55-4, Nov. 1955)

10-102. Dog stands, animals, fowl, and pets. Where four (4) or more dogs are kept or boarded on a residential or commercial property or where other animals, including fowl or pets, are kept boarded on a residential or commercial property, the owners shall be required to install a secure enclosure with a concrete floor containing one (1) or more floor drains, which are connected to a sanitary sewer. A concrete curb shall be made a part of the floor around the perimeter and the curb shall extend six inches (6") above the floor.

Residential or commercial lots of two (2) or more acres may be exempt from the requirements of this section with approval of the codes enforcement director. (Ord. #83-15, Aug. 1983, modified, as amended by Ord. #12-19, Dec. 2012)

10-103. Fee to claim animals picked up by city. (1) A fee of thirty dollars (\$30.00) will be charged to any person who claims an animal including, but not limited to dog, cat, horse, cow or pig, which have been picked up by the City of Bartlett. Said fee will be paid to the veterinarian who has possession of said animal. The veterinarian is entitled to retain five dollars (\$5.00) of said fee for collection, and will forward the rest to Bartlett Finance Department on a monthly basis. Said fees collected shall be set aside in a special account for the construction of a City of Bartlett Animal Shelter. After the animal shelter is built, then the funds will go to the operating expense of the shelter. (Ord. #83-15, Aug. 1983, as amended by Ord. #90-18, Jan. 1991, and Ord. #99-7, May 1999)

10-104. Running at large, noise, etc., prohibited; dog park. (1) It shall be unlawful for any person owning, keeping, harboring, or possessing any dogs, cats, rabbits, hares, goats, hogs, sheep, cattle or other animals, chickens, ducks, geese, or other birds or poultry to permit or allow the same to go at large at any time within the limits of the City of Bartlett, Tennessee to the damage or annoyance of any of the residents of said city.

(2) It shall be unlawful for any person to own, keep, harbor or possess any animals which, by loud and frequent howling, yelping, growling, bleating,

braying, or bawling, or by any other noise, causes serious annoyance to any of the citizen of the City of Bartlett, Tennessee.

(3) It shall further be unlawful for any person to permit any animal or poultry owned by him or under his dominion and control or leased by him or otherwise in his possession to create any nuisance or unreasonable annoyance to the detriment of other citizens of the City of Bartlett, Tennessee.

(4) All ordinances or parts of ordinances heretofore enacted which are in conflict with this section are hereby declared to be void and are hereby repealed.

(5) Anyone violating the provisions of this section will be guilty of a misdemeanor and upon conviction will be fined not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00).

(6) The only exception to the "running at large" prohibition above is inside of the fenced area (dog park) located on Shelter Run Lane west of the City of Bartlett's Animal Shelter. The use of this "dog park" shall constitute a waiver of liability of the City of Bartlett, Tennessee by the dog owner and the person having care, custody, or control of that dog and is considered his or her agreement to protect, indemnify, defend and hold harmless the city from any claim, injury, or damage arising from or in connection with such use. Any person found violating any of the "dog park" rules may be issued a written citation from an animal control officer or a police officer. (Ord. #76-5, March 1976, as amended by Ord. #02-20, Dec. 2002)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination required for dogs and cats.
- 10-202. License required for dogs.
- 10-203. Animal control and animal shelter rules and regulations.
- 10-204. Impound fees and boarding charges.
- 10-205. Adoptions encouraged.
- 10-206. Animals surrendered.
- 10-207. Forfeiture established.

10-201. Rabies vaccination required for dogs and cats. In accordance with Tennessee Code Annotated, § 68-8-104, it shall be unlawful for any person to own, keep or harbor in the City of Bartlett any dog, three (3) months or more of age or any cat, six (6) months or more of age which has not been vaccinated against rabies. Rabies vaccinations are to be administered by or under the supervision of a licensed veterinarian, who will prepare a certificate in triplicate, the original to be given to the owner, the first copy filed with the local health department, and the second copy retained by the person administering the vaccine. Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. (Ord. #03-03, April 2003)

10-202. License required for dogs. At the time the rabies vaccination is administered, dog owners and keepers residing within the City of Bartlett shall be required to pay a City of Bartlett license fee of sixteen dollars (\$16.00) for a fertile dog. However, the owner or keeper is hereby granted a ten-dollar (\$10.00) discount if the dog is spayed or neutered. Therefore, owners and keepers of spayed or neutered dogs may license their animal upon the payment of only six dollars (\$6.00). Replacement tags will be available for a fee of three dollars (\$3.00). Said license is not transferable. Veterinarians are hereby authorized and required to collect the license fee, which is also known as a tag fee, on behalf of the City of Bartlett; retain one dollar (\$1.00) per tag for their expense, and forward the net collections of license fees to the City of Bartlett Finance Department on a monthly basis. (Ord. #03-03, April 2003)

10-203. Animal control and animal shelter rules and regulations.¹

(1) The animal control division supervisor and his/her authorized animal control officers may capture and impound any animal found running at large in violation of § 10-104 and notify the owner, if known. Such animal, if in good health and not vicious, shall be held for at least three (3) business days at the city animal shelter, during which time the owner may identify and redeem the animal upon payment of impound fees, boarding charges, rabies vaccination and license fee if required. After three (3) business days of impoundment, the unclaimed animal will become the property of the City of Bartlett and may be designated for adoption, transferred to the Memphis Animal Shelter, or humanely put to sleep, at the discretion of the animal control division supervisor.

(2) At the time of capture, animals found to be in very poor health or seriously injured may be transported to a veterinary clinic for care at the owner's expense or humanely put to sleep, at the discretion of the animal control division supervisor.

(3) At the time of capture, animals found to be vicious may be isolated from other animals at the animal shelter, transported to the Memphis Animal Shelter or humanely put to sleep, at the discretion of the animal control division supervisor. (Ord. #03-02, April 2003)

10-204. Impound fees and boarding charges. (1) A fee will be charged to any owner who identifies and claims an animal, which has been impounded at the City of Bartlett Animal Shelter. The fee structure is as follows:

- (a) Thirty dollars (\$30.00) for the first impoundment;
- (b) Sixty dollars (\$60.00) for the second impoundment within a twelve (12) month period;
- (c) Ninety dollars (\$90.00) for the third and each subsequent impoundment within a twenty-four (24) month period.

(2) In addition to impound fees, the owner of the animal will be required to pay boarding fees of ten dollars (\$10.00) per day for dogs and seven dollars (\$7.00) per day for cats. (Ord. #03-02, April 2003)

10-205. Adoptions encouraged. (1) Adoption of unclaimed animals will be encouraged whenever possible. The general health, temperament, case history of the animal and space availability at the shelter will be considered in determining which animals are designated for adoption and how long they will be held for adoption. The adopter shall pay the City of Bartlett Animal Shelter

¹Municipal code reference

Special police officers authorized to issue citations in lieu of arrest: § 6-103.

an adoption fee of sixty-five dollars (\$65.00) at the time of adoption of either a dog or cat. This fee will compensate the city for:

(a) In the case of a dog: canine distemper, hepatitis, adenovirus cough, parainfluenza, parvo virus and corona virus vaccinations; rabies vaccination and license, heartworm check, bordetella treatment and spay or neuter.

(b) In the case of a cat: panleukopenia, rhinotrachelitis, calcivirus and chlamydia vaccinations and rabies vaccination, leukemia tests and spay or neuter.

(2) The Mayor of the City of Bartlett has the sole authority to adjust the adoption fee for special promotions of adoptions. (Ord. #03-03, April 2003, as amended by Ord. #04-15, Oct. 2004)

10-206. Animals surrendered. Any resident of the City of Bartlett may surrender possession and ownership of any unwanted dog or cat to the City of Bartlett Animal Shelter by delivering it to the shelter and paying a surrender fee of twenty-five dollars (\$25.00). Said animal may be designated for adoption, transferred to the Memphis Animal Shelter or humanely put to sleep, at the discretion of the animal control division supervisor. (Ord. #03-02, April 2003)

10-207. Forfeiture established. Any person cited for violating any provision of the ordinances regulating the keeping of animals and fowl may pay a forfeiture of thirty dollars (\$30.00) to the city court clerk in lieu of court appearance. (Ord. #83-15, Aug. 1983, as amended by Ord. #90-18, Jan. 1991, Ord. #99-7, May 1999, and Ord. #03-02, April 2003)