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ORDINANCE NO. 5378

AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, SECTION 5-60. OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO REQUIRE DOG RESTRAINT BY TIE-OUTS OR OVERHEAD CABLES TO BE IN ADDITION TO TRADITIONAL FENCING AND THAT DOGS RESTRAINED BY TIE-OUTS OR OVERHEAD CABLE RUNS BE SPAYED OR NEUTERED

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers dogs running at-large.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that **Section 5-60. Dogs running at large. (c) (2)** of the Code of Ordinances, City of Memphis, be hereby amended to read as follows:

Dogs Restrained by Tie-Outs or Overhead Cable Runs. Dogs may be restrained with suitably sized tie-outs or overhead cable runs. These restraints must be sufficient in length but never less than six feet, excluding length around collar, and nonrigid, to allow the animal freedom of motion, and to move about at will within a protected area on the property of the owner or handler without becoming tangled in obstacles. These types of restraints shall prevent the dog from traversing upon another person's property, public sidewalks or public property and from charging and harassing persons and pedestrians utilizing these properties.

(a) Dogs restrained by tie-outs or overhead cable runs must be spayed or neutered, not subject to any exemption under Sec. 5-85 of this Chapter.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to

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the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller

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ORDINANCE NO. 5379

AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III.5. DANGEROUS/VICIOUS ANIMALS OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO REQUIRE STERILIZATION OF DOGS WHO HAVE BITTEN AND DECLARE VICIOUS DOGS WHO HAVE BITTEN ONCE AND BEEN FOUND RUNNING AT LARGE TWICE

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of dogs that are abused and abandoned by encouraging owners to spay or neuter their pets.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that **Section 5-64. Definitions.** be hereby amended to read as follows:

"Dangerous/vicious animal" means any dog, or animal of the canine family, that according to records of the appropriate authority has:

1. Aggressively bitten, attacked, or has otherwise inflicted injury on a human being on public or private property;
2. Severely injured or killed a human being;
3. Been used primarily, or in part, for the purpose of dog fighting or any other aggressive activity;
4. Aggressively and unprovoked, while off its owner's property, attacked another domestic animal causing serious injury or death;
5. Bitten once and been found at large twice.

SECTION 2. BE IT FURTHER ORDAINED, that **Section 5-70. Dogs or animals not declared dangerous/vicious.** be hereby amended to read as follows:

When an animal attacks and/or bites strangers:

A. If an animal that has not been declared dangerous/vicious under this chapter aggressively attacks and causes severe injury to, or death of, any human being, the owner of the animal shall be cited for failing to properly control the animal and shall be subject to a fine of fifty dollars (\$50.00).

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B. In addition, the animal shall immediately be confiscated by the animal control authority and the provisions of this section relating to the classification of an animal as a dangerous/vicious animal shall be implemented.

C. This chapter and title does not apply to dogs or animals used by law enforcement officials for law enforcement work or purposes.

D. A dog or animal shall not be classified as dangerous/vicious if the threat, injury, or damage was sustained by a person, who at the time was tormenting, abusing, or assaulting the dog or its owner or handler, and it shall be considered an isolated incident.

E. An unaltered animal with a record of one bite and/or attack must be fitted with a microchip implant and spayed or neutered, not subject to any exemption under Sec. 5-85 of this Chapter, within thirty (30) days of the incident.

SECTION 3. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller

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ORDINANCE NO. 5380

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL
OF THE CODE OF ORDINANCES, CITY OF MEMPHIS
TO REQUIRE MANDATORY SPAYING AND NEUTERING
OF CATS AND DOGS**

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of dogs that are abused and abandoned; and

WHEREAS, current code does not properly address these dangers and how they can be eliminated.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 5 – Animals and Fowl – of the Code of Ordinances, City of Memphis, are hereby amended to add Article V which is adopted to read as follows:

**ARTICLE V - MANDATORY SPAYING AND NEUTERING
OF CATS AND DOGS**

Sec. 5-83. Spay and Neuter Requirement

No person shall own, harbor, or keep within the City of Memphis, a dog or cat over the age of six months, which has not been spayed or neutered unless the dog or cat is exempted from the provisions of this section, as defined under Sec. 5-85.

Sec. 5-84. Owner.

- (a) Any person, partnership or corporation owning an animal;
- (b) Any person in charge of maintaining an animal; or
- (c) Any person who feeds, shelters or harbors an animal or permits it to remain on such person's property; or
- (d) If the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

Sec. 5-85. The following animals are exempt from the provisions of Section 5-83.

- (a) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable professionals;
- (b) Dogs having been appropriately trained and actually being used as a service dog, such as a guide dog, hearing dog, assistance dog, seizure alert dog, or social/therapy dog, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable professionals;
- (c) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable professionals;
- (d) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;
- (e) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, hunting dogs, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable Professionals;
- (f) Dogs or cats boarded in a licensed kennel or a business, which boards such animals for professional training or resale;
- (g) Dogs or cats which are registered with the American Kennel Club, the Cat Fancier Association or other recognized registry or trained and kept for the purpose of show, field trials or agility trials.
- (h) Dogs or cats whose owner has obtained an unaltered animal permit issued by the license-collecting agent of the City, or any successor agency authorized by law to issue said permit.

Sec. 5-86. Fertile Animal Permits.

Obtaining an unaltered (Fertile Animal) permit. Applicants must apply for unaltered permits with the City of Memphis, Division of Public Services.

- (a) The owner of a fertile animal will have to pay the City a one-time \$200.00 permit fee to keep a fertile animal within the City. Said payment must be made to the City of Memphis Treasury.
- (b) In order to prevent the over-breeding of animals, each permit authorizes the whelping of no more than one litter per female dog in any 12-month period and no more than one litter per domestic household in any 12-month period.

Sec. 5-87. Enforcement.

Memphis Animal Services, which is the Department under the Division of Public Services and Neighborhoods, is charged with the enforcement of Article 5 of this Chapter. Animal Control Officers (ACOs) are the agents of the City of Memphis which are generally charged with compliance activities. ACOs shall issue citations under this ordinance only as a secondary offense to another violation of this Chapter, including but not limited to; Dogs running at large; Defecation by dogs and cats; and Dangerous and Vicious Animals.

Sec. 5-87. Proof of Compliance to Enforcement Agents, including ACOs

Proof of compliance before citation may include but is not limited to:

1. a uniform mark or symbol at the spay incision site, such as the mark already utilized by the Mid-South Spay and Neuter Services that is in conformance with the American Veterinarian Medical Association (AVMA) standards;
2. a written statement from a veterinarian, which identifies the animal and explains why the animal is exempt;
3. a current rabies certificate, which identifies the animal and states that it has been spayed or neutered;
4. a visual inspection and determination by the ACO that the animal has been altered.

Sec. 5-88. Penalties

The offender of this ordinance shall be issued a citation, the penalty shall be a Fifty Dollar (\$50.00) fine and court costs. Each day that any violation of this ordinance continues may constitute a separate offense. Said fines may be waived by the Court of appropriate jurisdiction on a first offense, if proof is provided that the dog or cat is/or has been brought in compliance with this Chapter by the date of the hearing.

On a second or subsequent offense, the Court shall have authority to enforce the \$50 fine plus costs and may hold the owner in Criminal Contempt and require the owner to prove that the animal has been brought into compliance with this Chapter.

Sec. 5-89. Data

The Council hereby recognizes that adoption of this spay neuter ordinance may qualify the City of Memphis to apply for available grant money and encourages the Administration to maintain records to be able to provide statistics which may be requested for use in grant applications.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to

the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller