

Ordinance Number: 2021-13

CITY OF CHICKASAW ANIMAL ORDINANCE

ANIMALS GENERAL

DEFINITIONS

For the purpose of this chapter, the words and phrases below have the following meanings:

Animal. Any nonhuman, animate being which is endowed with the power of voluntary motion including, but not limited to: mammals, reptiles and birds.

Animal at large. A stray animal or animal which is off the property of its owner or person in charge and not carried by said person, kept in any effective enclosure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

Animal control officer ("ACO"). a government worker responsible for enforcing local ordinances regulating animal ownership and responding to incidents involving animals.

Cat. Members of the domesticated feline family.

Corral. Any uncovered, enclosed parcel of land where large animals are kept.

Dog. Member of the domesticated canine family.

Domesticated animal. An animal which has been trained or has adapted to live with and be of use to humans.

Fowl. For the purpose of this chapter, the term means chickens, ducks, geese, turkeys, guineas, quail, pheasants and all other fowl kept as a pet or for ornamental purposes.

Hoarding. Keeping a higher than usual number of animals as pets without the ability to properly house or care for them, while at the same time denying this inability.

Keep. To confine, harbor or allow to remain.

License. A permit issued by the city required for keeping dogs within the city limits.

Livestock. Domesticated animals, such as cattle, horses, sheep, swine, mules, and goats raised for home use or profit, especially on a farm.

Nuisance. Anything which disturbs the use and enjoyment of one's property or endangers life, health or safety, or is offensive.

Owner. For brevity's sake, the term "owner" shall be construed in this chapter to include the actual owner of the animal or any person in whose charge such animal is being kept, and any responsible adult members of the household where an animal is regularly kept or allowed to remain.

Person. Any individual, partnership, company, corporation or other legal entity.

Pet. Any domesticated animal kept by a person as a companion and friend.

Pet store. Any retail establishment open to the public that sells or transfers, or offers for sale or transfer, domesticated animals. The term excludes any municipal animal shelter, the county animal shelter, and any not-for-profit 501(c)(3) animal welfare organization.

Pet trader. Any person who sells, barter, or exchanges for consideration domesticated animals. The term excludes any municipal animal shelter, the county animal shelter, and any not-for-profit 501(c)(3) animal welfare organization.

Poisonous or venomous animal. Any animal, reptile or other nonhuman living thing which is capable of inflicting injury on humans or other animals by means of a poisonous or venomous injection.

Poultry. Domesticated fowl (e.g., ducks, geese, turkeys, chickens, etc.).

Shelter (out-of-doors). A place of protection from danger, for example, bad weather.

Songbird. Any bird having a musical call.

Stable. Structure for housing livestock.

Under control. When off the premises of the owner or person in charge, to be under control or restraint, an animal must be carried by such person, caged or kept in the immediate presence of such person and under the person's voice command control.

Vicious or dangerous animal.

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domesticated animals. Under this definition, the term "known" includes, but is not limited to, the owner's knowledge.

(2) Any animal which, because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if not kept in the manner required by this chapter.

Wild animal. An undomesticated animal.

RABIES CONTROL

Rabies vaccination.

An owner of a dog or cat, ferret or other animal requiring rabies vaccination shall have the animal vaccinated for rabies when the animal has reached the age of three (3) months and annually or tri-annually thereafter at the owner's and veterinarian's discretion. Upon vaccination, the veterinarian shall give the owner a metal tag which may be attached to the animal. If the tag is not attached to the animal, the animal must be in the immediate control of the owner who shall produce proof of vaccination.

Rabies tags shall be serially numbered, bearing the year of the vaccine, and the owner shall also receive a certificate of inoculation bearing the same serial number and year.

Owners shall present rabies certificates to the City of Chickasaw when registering the animal for the annual city's license.

In the event a rabies tag is lost, a new tag and certificate may be issued by the veterinarian who issued the original tag. The new certificate shall be marked "duplicate" and shall include the new tag number.

IMPOUNDING, QUARANTINE, DESTRUCTION OF ANIMALS

Bites.

Any animal which has bitten or is reported to have bitten a person shall be quarantined under the care of a licensed veterinarian for ten days, or if proof of current rabies vaccination is presented, the animal may be quarantined at the owner's residence for ten days. When quarantined at the owner's residence, the animal must be kept separate from other animals and be kept within a building or fenced area at all times unless on a leash held by an adult.

Quarantine.

Any quarantined animal shall be inspected by a licensed veterinarian at the end of the ten day quarantine period. If such animal becomes ill or dies during the quarantine period, the animal control officer shall be notified immediately and the animal, if alive, shall be quarantined under the care of a licensed veterinarian, and if deceased, shall be delivered to the animal control officer for rabies examination.

Inspection of quarantined animal.

The owner of any quarantined animal shall deliver to the city the notice of quarantine served on the owner by the city at the time such quarantine is established, duly completed and signed by a licensed veterinarian acting as the inspecting veterinarian. Such notice shall be delivered to the animal control officer not earlier than ten days, or later than 14 days, from the date of the establishment of the quarantine. If the inspecting veterinarian finds the animal to be rabid, it shall be destroyed. If the inspecting veterinarian finds the animal to be not rabid, the animal shall be returned to its owner provided that the owner shall first pay the costs associated with the quarantine.

Impounding or boarding fee.

The owner of any animal that has been quarantined shall pay any impounding or boarding fees and any costs incurred for veterinarian services.

Destruction of animal.

Any animal which has bitten or is reported to have bitten a person may be destroyed immediately if the animal cannot be impounded after reasonable effort, or cannot be impounded without serious risk to persons attempting to impound it.

Any owner may relinquish, in writing, the ownership of an animal to the City of Chickasaw for the purpose of humanely destroying the animal to enable immediate testing to be performed on the animal by the department of health.

When, after a reasonable investigation, it has been determined that the animal is unowned, the animal shall be humanely destroyed and submitted for rabies examination to the state department of public health.

It shall be unlawful for the owner of an animal to refuse to comply with the lawful order of the ACO or law enforcement officer given to enforce this section. It shall be unlawful for any owner to sell, give away, transfer to another location or otherwise dispose of any animal in quarantine until it is released from quarantine by a qualified veterinarian or other office duly authorized under state law.

LICENSE

Any owner of a dog over three months of age shall secure an annual license for such dog from the City of Chickasaw. All licenses shall be issued for one year.

Proof of vaccination.

Proof of rabies vaccination must be presented at the time of initial licensing and each subsequent license renewal.

Annual Fee.

Each owner of a dog shall pay the amount set forth for the initial licensing fee, the annual renewal fee, or the duplicate fee.

- License for altered Dogs \$10.00
- License for unaltered Dogs \$70.00
- License for altered Pets (Owner 65 and over) \$5.00
- License for Unaltered Pets (Owner 65 and over) \$35.00
- Replacement License Tag \$5.00
- Late Fee \$10.00

Renewal

Licenses not purchased or renewed within fifteen (15) days after expiration, or the date on which they become due, shall be considered delinquent and a late fee shall be added to the cost of the new license.

Receipts and tags.

Upon payment of the annual license fee the City of Chickasaw shall deliver an original receipt to the owner and retain a duplicate of such receipt. At the time of initial licensing, the city shall also deliver a license to the owner of the dog. The license shall be in the form of a metal tag, the shape and color of which shall change yearly.

(1) The owner shall keep the license tag affixed to the animal unless the animal is under restraint, on its own premises, or the owner is in the presence of the animal and shall produce proof of city licensure.

(2) If a tag is lost, a duplicate tag may be issued by the city upon presentation of a receipt showing the payment of the license fee for the current year. The city shall charge a fee for each duplicate tag.

(3) It shall be unlawful to counterfeit or attempt to counterfeit the tag or to take from any dog such a tag legally placed upon it by its owner with the intent to place it upon another dog, or to place such tag upon another dog.

(4) The tag shall not be transferable and no refunds shall be made on any dog license fee because of leaving the city or death of dog before the expiration of the license period.

(5) A city license shall not be required from owners who are nonresidents, temporarily within the city for a period not exceeding thirty (30) days.

EXEMPTIONS

1) Service Animal/ Fee Exceptions

The following are excused from ordinarily applicable license fee requirements, as specified:

No fee shall be charged for working dogs that are documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement purposes.

A fee shall not be levied for any dog license issued for a seeing-eye dog owned by a blind or partially blind person or for any dog duly trained and registered with a training agency to assist a disabled person when such dog is actively used for the purposed trained.

If the animal is a seeing-eye dog or is duly trained and registered with a training agency, no standard license is required to be purchased.

All other uses, including emotional support uses, must purchase a license and provide proof of rabies vaccination and spay/neuter and/or license certificate, if applicable.

2) Age and Health Exemptions

Animals certified in writing by a licensed veterinarian to be too young, too old, or generally not healthy enough for spay/neuter surgery, may receive an exemption and will be assessed for the Altered License fee.

ANIMAL CARE

Shelter and care of animals.

(a) It shall be unlawful for any owner to fail to provide food, water, and shelter to an animal.

(b) It shall be unlawful for any owner to keep or maintain animals indoors or in an outdoor pen or enclosure, in such an unsanitary condition that the lives and health of the animals, or the lives and health of the public or owner, or the lives and health of other animals, shall be endangered.

(c)Shelters for animals who live out-of-doors shall be four sided weatherproof structures at least two inches off of the ground with a doorway, roofed, adequately drained, well-ventilated, moisture-proof, and of suitable size to accommodate the animal and retain body heat, and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease and odor.

Animals trained to fight.

It shall be unlawful for any person to own, possess, keep or train any animal with the intent that such animal shall engage in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such a fight.

Duty to restrain animals.

It shall be the duty of every owner, keeper, or person in charge to keep his or her animals on a leash or other effective restraint whether or not the animal is upon or away from the owner's premises.

Duty to confine animals in heat.

Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinarian hospital or boarding kennel, in such manner that such female dog cannot come in contact with another animal.

Sheltering of stray or abandoned animals.

(a)Any stray animal within the city limits taken to the shelter for confinement shall be cared for in the shelter for not less than five (5) working days. If the animal is not claimed by its rightful owner, the shelter shall place the animal for adoption or shall transport the animal to an adoption agency, or otherwise dispose of the animal as provided for in this chapter.

(b)Animals claimed within the five-day period shall be returned to the rightful owner after the owner has provided proof of rabies inoculation and paid all required fees and fines.

(c)Animals not claimed within the five-day period shall become the property of the shelter.

Duty to remove deposited feces.

(a)It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.

(b)It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal on any sidewalk, public park, alley, or other place open to the public.

Duty to Restrain Animals

Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint.

(a) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles and serpents (referred to collectively herein, for the sake of convenience, as "animals") in their care to prevent such animal from biting, injuring or attacking a person or other animal.

(1) "Securely confined" means that, while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the animal to make normal postural movements and to move around and shall also comply with the minimum standards for sanitation provided in this chapter.

(2) Animals who are wild or poisonous or potentially dangerous or vicious, if transported off the premises of the owner shall be caged, or leashed and muzzled to prevent the animal from attacking or causing injury to a person or other animal.

Disposal of dead animals.

All dead animals must be properly disposed of within twenty-four (24) hours after the death. No animal may be dumped on private or public property.

UNLAWFUL CONDUCT AND CODE ENFORCEMENT

Abandonment of animals within the city.

It shall be unlawful for any person to knowingly abandon or aid another in knowingly abandoning any animal within the City of Chickasaw.

Public nuisances.

It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in his or her possession or care from creating a public nuisance. For purposes of this section, an animal is a public nuisance if the animal:

(1) Habitually makes disturbing noises including, but not limited to crowing, barking, yelping, whining, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;

(2) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby creates unreasonable annoyance or discomfort to persons in the close proximity to where the animal is kept; or

(3) Damages property belonging to anyone other than its owner, including damage to flowers, gardens, and shrubs.

Hoarding.

It shall be unlawful for any person to keep animals as pets in such sufficient numbers that they cannot be properly housed or cared for. Any person convicted of this offense shall be subject to confiscation of the animals in addition to other criminal penalties.

Animals at large; Tethering

a) It shall be unlawful for any Person to allow any Animal in his control or possession to go, stray or wander upon the public right of way or property of another Person. An Animal is running at large if it is not Under control of the Owner and is not:

(1) Confined within a fence, electronic fence, wall, or other enclosure in such a manner so as to effectively prevent the Animal from traveling onto the public right of way or property of another Person;

(2) On a single Animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the Animal without becoming tangled, wrapped around an object or shortened, and:

(A) is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, but does not allow the Animal access to the public right of way or property of another Person;

(B) allows the Animal access to water and Shelter;

(C) is an appropriate strength and weight given the size of the Animal and is affixed to the Animal by a proper fitting nylon or leather harness or collar with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

b) Sub-section a), above, shall not apply to an Animal that is:

(1) On a leash, not more than ten (10) feet in length, secured by a harness or collar, while being walked or exercised by a Person.

(2) At a designated Animal or Dog park or in attendance at any legal event in which the Animal is a permitted attendee or participant;

(3) Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;

(4) Under the care a veterinarian or groomer;

(5) Being utilized or trained in a law enforcement capacity;

(6) Being legally used for hunting.

c) It shall be unlawful for any Person to allow any Animal in his control or possession to be tied, leashed or chained to a doghouse, tree, post, stake, barrel, or other stationary object.

Animals, reptiles or serpents known to be dangerous or vicious.

(a)The animal control officer shall have the authority, at the ACOs sole discretion, to impound any animal, reptile or serpent (referred to collectively herein, for the sake of convenience, as "animals") whose owner is criminally charged because the animal is alleged to have bitten, charged or caused other bodily injury to any human or other animal, pending final resolution of those criminal charges.

(b)The ACO shall have the authority, at the ACO's sole discretion, to impound any animal which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.

(c)The owner shall be responsible for all costs related to the impounding of an animal under this provision, regardless of the outcome of the criminal matter.

(d)If the animal impounded under this provision is deemed by a court of proper jurisdiction to be a continuing danger to the owner, member of the public or any animal, the ACO shall humanely dispose of the animal.

Cruelty.

Adoption of state law. Any person or corporation committing the offense of cruelty to animals within the corporate limits of the city which is declared by law or laws of the state now existing (see Ala. Code § 13A-11-14 and § 13A-11-241 (1975)) or hereinafter enacted to be a misdemeanor offense of cruelty to an animal shall be guilty of an offense against the city.

(b)The ACO and the Chickasaw Police Department shall serve as agent of the city to protect dogs and cats from cruelty and to prevent such cruelty, pursuant to Ala. Code § 13A-11-242 (1975).

Certain sales regulated.

(a)No dog(s) shall be offered for sale, gift or other transfer of ownership on or from any public street, roadway, right-of-way, sidewalk or park.

(b)No dog(s) shall be offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, unless the seller provides the buyer, at the time of sale, with the following:

(1) A signed original State of Alabama Small Animal Health Certificate;

(2) A negative fecal examination report from a licensed, accredited veterinarian which is dated no more than ten (10) days before the date of sale.

(c)No dog(s) shall be offered for sale, gift or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, until the animal has reached the age of nine (9) weeks, as established by information included in the State of Alabama Small Animal Health Certificate.

Authority of "nonsworn" ACOs.

Animal control officers who are not sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of this ordinance for which a set fine is published in the city's municipal court magistrate's fine schedule.

Authority of "sworn" ACOs.

Animal control officers who are sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of this ordinance for which a set fine is published in the city's municipal court magistrate's fine schedule and the additional authority to issue citations and warrants for violations of this ordinance for which penalties must be assessed by a court of proper jurisdiction.

Authority to impound.

To promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city, the ACO, or police officer is authorized to impound any animal if there is reasonable cause to believe any of the following conditions exist:

- (1) The animal is the subject of an act of cruelty or neglect as prohibited by this chapter and state law;
- (2) The animal is running at large, in violation of this chapter;
- (3) The animal has been abandoned;
- (4) The animal is the subject of a shelter investigation for viciousness; or
- (5) The animal does not display a valid inoculation tag and the owner, if identified, does not produce proper inoculation documentation.

Authority to enter private property.

Any ACO, or city police officer is authorized to enter upon private property to impound any animal observed at large and chased to such property or any animal that, in the reasonable discretion of the ACO, or police officer, has been abused or neglected.

Humane traps and chemical capture methods.

(a) In order to apprehend animals in violation of this chapter who are otherwise difficult to apprehend, any ACO, or police officer is authorized to use traps designed to humanely capture such animals by placing the traps on any public property, upon the rights-of-way of any public street or highway, or upon the private property of any person who grants permission.

1. It shall be unlawful to tamper with any trap or release an animal from any trap set by an ACO or police officer for the purpose of humanely capturing animals at large.

(b) Any ACO, or police officer is hereby authorized to use chemical capture methods to capture animals in violation of this ordinance when the use of humane traps would be ineffective and the animal is diseased or poses a danger to public safety.

Destruction of certain animals.

(a) The shelter is authorized to humanely destroy any stray animal boarded and unclaimed at the shelter for more than five (5) working days, provided that the shelter has made reasonable efforts to locate the animal's owner and been unsuccessful and provided that the animal constitutes a direct and immediate threat to public health, safety or welfare.

(b) The ACO is authorized to humanely destroy any animal found unattended on public property when such animal is injured or diseased and past recovery.

(c) The ACO is authorized to humanely destroy any wild animal within the city limits which presents a direct and immediate threat to public health, safety or welfare.

(d)The ACO is authorized to destroy any animal which has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the director believes such animal constitutes a direct and immediate threat to public health, safety or welfare.

(e)The ACO is to employ the most humane means possible when exercising the authority granted in this section.

City Code	State Code	Fine
Shelter and Care of Animals		Up to \$100.00 per violation.
Animals Trained to Fight (Excluding court costs)		Court appearance required. Fine of no more than \$500.00 or up to six months in jail per violation.

Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint. Up to \$150.00 per violation.

Hoarding Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail per violation.

Cruelty Ala. Code Sec. 13A-111-14, Sec. 13A-11-241 (1975) Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail per violation.

Certain Sales Regulated Up to \$100.00 per violation.

All other violations Up to \$50.00 per violation.

City declared a bird sanctuary.

The entire area embraced within the corporate limits of the city shall be a bird sanctuary. It shall be unlawful for any person to pursue, injure, capture, kill or destroy a songbird of any kind within the city. This section shall not be construed so as to apply to the ACO, or law enforcement officer when a nuisance exists or when there is a hazard to health or safety which, in the judgment of the officer, cannot be otherwise remedied.

KENNEL LICENSE REQUIRED:

A. Provisions:

1. No person may keep, harbor, possess or have custodial care for more than three (3) dogs without first obtaining a kennel license as provided herein.

2. For the purpose of this chapter, the litter of a female dog may be kept with its mother until the litter reaches the age of six (6) months. Such litter, together with its mother, shall count as one dog until after the litter reaches six (6) months of age. Animals counted in the litter must be sold, traded or given away before the litter reaches six (6) months of age so as not to exceed the limits set out above.

3. Subject to the exceptions set forth within this chapter, all dogs owned, kept, boarded, possessed or in the custodial care of the kennel owner must be individually licensed.

B. Application for License:

1. Application for a kennel license is to be made to the City. The application shall state the name and address of the owner, the location of the kennel and the types and breeds of the animals to be kept. Kennel licenses shall not be transferable, and shall be valid for one year from the date of issuance.

2. An authorized officer of the department or other person designated by the department or City shall inspect all prospective kennels prior to granting a kennel license, and any application for a kennel license must include written approval from the inspecting person stating that adequate shelter has been provided for the number of animals to be kept, including adequate means of restraining such animals from running at large. Such statement shall also limit the number of animals that may be kept at the facility.

3. Any application for a kennel license must include written approval from the City Planning Department showing that the kennel is in compliance with all requirements, standards and conditions established by the zoning ordinance.

C. Performance Standards for Kennels:

1. Noncommercial Kennels:

a. Interior surfaces must be of a nonporous material which is substantially impervious to moisture and may be readily sanitized;

b. Floor temperature shall be maintained for infant animals at no less than seventy-five degrees Fahrenheit (75°F) in the immediate areas where infant animals are present and at reasonable temperatures suited to adult animals in all other locations; an elevated floor pad may be used to maintain reasonable temperatures, provided the surface meets the surface requirements set forth in this chapter.

c. Ceiling heights shall meet the minimum uniform building code standards.

d. Adequate space shall be provided both internally and externally so as to provide adequate exercise area for the various dogs.

e. Fences shall be installed in such a manner as to prevent animals from escaping by digging under or escaping over the top.

f. All kennels shall have natural lighting sufficient to comply with uniform building code requirements. Adequate artificial lighting shall be provided in accordance with uniform electrical code requirements, or other uniform electrical code standards subsequently adopted by the city for residential structures.

2. Commercial Indoor Housing Facilities: The indoor housing facilities for commercial kennels shall meet all the preceding requirements for noncommercial facilities and shall also meet the following requirements:

- a. All indoor facilities shall have three foot (3') high solid, nontransparent walls or partitions between pens.
- b. All flooring shall slope at one-half inch (1/2") per running foot to prevent pooling of urine and cleaning solutions. Floors shall be of a smooth, nonporous, non-water permeable substance.
- c. All indoor housing facilities will have sound degrading characteristics that will prevent long sound reverberation or sound reaching neighboring locations.
- d. All indoor housing facilities shall also have an external space for various breeds.

3. Outdoor Housing Facilities: All outdoor housing facilities, commercial or noncommercial shall meet the following general requirements set forth as follows:

- a. Any outdoor housing facility shall be of sufficient structural strength and shall be maintained in good repair so as to protect the animals from injury, to contain the animals and to restrict the entrance of another animal.
- b. Outdoor housing facilities shall provide sufficient shade from the sun so as to prevent overheating or discomfort to the animals.
- c. Outdoor housing facilities shall provide access to shelter to allow animals to remain dry during inclement weather.
- d. Outdoor housing facilities shall provide shelters for all animals with sufficient clean bedding and other protection so as to protect the animal from harm when the temperatures are below fifty degrees Fahrenheit (50°F).
- e. Outdoor housing facilities shall provide a suitable method for elimination of urine and other liquid substances. Suitable provision shall be equivalent to a two inch (2") layer of pea gravel over a large drain field of at least six inches (6") in depth. The large gravel drain field shall not be of such depth that it penetrates through the topsoil on which it is constructed.
- f. All outdoor facilities shall provide sufficient space in the enclosure and in the kennel house. If a kennel enclosure or kennel contains more than one dog, the minimum number of square feet required is the sum of the square feet requirements for each individual dog kept therein.
- g. Fences shall be installed in such a manner as to prevent animals from escaping by digging under or escaping over the top.

4. Feeding and Care Of Animals: All kennels whether commercial or noncommercial shall meet the following feeding and care requirements:

- a. Animals shall be provided food which is free from contamination and is wholesome, palatable and of sufficient quantity and nutritive value so as to meet the normal daily requirements for the condition and size of the animal.

- b. Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and shall be cleaned daily.
- c. Clean potable water shall be available to the animals in conformance with the principles of good animal husbandry unless restricted for veterinary care. Water receptacles shall be cleaned every day.
- d. All food and bedding for the animals shall be kept in a storage area such that the food and bedding supplies are protected against infestation or contamination by vermin.
 - e. Refrigeration shall be provided for any supplies of perishable food.
 - f. Each pen shall have a satisfactory bowl and bowl system for both food and water.

5. Sanitation of Primary Facilities: All kennels whether commercial or noncommercial shall meet the following sanitation requirements:

Excreta shall be removed from each kennel enclosure and kennel house at least once daily to prevent contamination of the animals contained therein and to reduce disease hazard and odors.

A. Solid excreta, if removed from the said property, shall be double bagged and disposed of in such a manner as to prevent a public health hazard.

(1) Sanitizing: At least once each day each kennel enclosure shall be sanitized by washing with water and soap or detergent.

(2) Replacement of Gravel: Pens using pea gravel or its equivalent shall be sanitized by removing the gravel and replacing it when it no longer provides adequate sanitation so as to reduce disease hazard and odors.

(3) Vaccination: Each individual dog shall be vaccinated for rabies in accordance with this ordinance.

(4) Records: The kennel operator shall keep available for inspection on the premises a record that shall show the name, current address and telephone number of the owner of each animal being kept at the kennel, the description of the animal, including its age, breed, sex and color. As a part of such record, a current valid rabies certificate or other written proof of vaccination shall be maintained for each dog required to be vaccinated by this ordinance. In addition, each kennel operator shall have someone in attendance at the kennel who can identify each animal in the kennel except that animals under six (6) months of age may be identified as to the litter.

(5) Pest Control: An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained.

6. Care and Treatment of Sick and Injured Animals:

a. Isolation and quarantine areas shall be part of every commercial kennel facility to prevent physical contact by or between animals who are under quarantine or treatment for a communicable disease. The facilities should protect from cross contamination by saliva, waste material or washing solutions.

b. Animals shall be separated according to the following standards. Commercial and noncommercial kennels shall meet these requirements:

- (1) Females in estrus shall not be housed in the same kennel enclosure as males, except for the purposes of breeding;
- (2) Any dangerous dog shall be housed individually in a separate kennel enclosure;
- (3) Puppies shall not be housed in the same kennel enclosure with any other adult dog other than their dam, except when the owner specifically requests combined housing;
- (4) Dogs shall not be housed in the same kennel enclosure with other species of animal.

7. Violation: In addition to the penalties set out in this ordinance, any violation of this section shall be grounds for revocation of a kennel license.

8. Authority to Inspect: The animal control officer or any other person authorized by the city may inspect any licensed kennel at any reasonable time with or without notice.

9. Fees: The fee for a commercial or noncommercial kennel license shall be set from time to time by resolution of city council.

10. Revocation of Kennel License, Denial of Permit:

a. A kennel permit may be revoked or application for kennel permit denied by the city when any of the following conditions are found to exist:

(1) Animals from such kennel are picked up running at large more than three (3) times in any twelve (12) month period;

(2) Failure to maintain a list of animals kept at the kennel;

(3) Keeping more than the approved number and type of animals at the kennel;

(4) Failure to allow access of an authorized officer to inspect the kennel facility;

(5) Failure to maintain the kennel in a clean and sanitary condition;

(6) Failure to maintain adequate shelter and protection from the weather;

(7) Failure to maintain adequate and approved ventilation;

(8) Overcrowding of animals;

(9) Quartering together of animals which are temperamentally unsuited or allowing animals to approach as near to each other as to cause the animals to be abused or tormented;

(10) Excessive loud noise;

(11) Failure to adequately treat or have treated any diseased or injured animal or to segregate such diseased animal so as to prevent the spread of disease to other animals;

(12) Any other violation of the kennel regulations set forth in this chapter.

b. The department shall notify the applicant or license holder in writing prior to any revocation or denial. Upon notice, a kennel license holder or applicant shall have thirty (30) days to correct any defect and to petition the city to contest such revocation.

c. Thirty (30) days after the notice of revocation or denial, if no petition has been filed with the city, the kennel permit shall be deemed revoked or the application denied.

d. If a petition has been filed within thirty (30) days, the Hearing Board will be convened within thirty (30) days of the filing of the petition to decide whether to uphold the revocation or denial of the permit. A person may reapply for a kennel permit after one year if the conditions warranting the revocation or denial have been ameliorated.

EXCEPTIONS

A person may keep, harbor, possess or have custodial care of four (4) dogs without first obtaining a kennel license provided that the dogs were obtained prior to the implementation of this ordinance: and they are in compliance with the previous existing ordinance.

Managed care of feral cats.

(a) Purpose. To permit implementation of a trap-neuter-return (TNR) program in the corporate limits of the city for the purpose of reducing the population of feral cats, benefiting public health and welfare and ensuring the humane treatment of feral cats.

(b) Management of feral cat colonies.

(1) A TNR program shall be permitted and caretakers shall be entitled to maintain feral cat colonies in accordance with the terms and conditions of this section.

(2) Sponsorship of TNR program. Any animal welfare organization that agrees and is able to comply with the requirements of this section shall be eligible to act as a sponsor of the TNR program upon approval by resolution of the city. Any animal welfare organization intending to undertake the responsibilities of sponsorship shall provide to the city a written letter of intention requesting to be approved as a sponsor of the TNR program.

(3) Sponsor requirements. It shall be the duty of a sponsor to:

a. Maintain records provided by caretakers on the size and location of registered colonies, as well as vaccination and sterilization records of cats in the colonies;

b. Report annually to the city on the following:

1. Number of colonies in the municipality that are registered with the sponsor;
2. Total number of cats in colonies in the municipality that are registered with the sponsor;
3. Number of cats sterilized and vaccinated pursuant to the TNR program in the past year; and
4. Number of cats and kittens removed for the purpose of foster or adoptive placement in the past year.

(4) Caretaker requirements. It shall be the responsibility of the caretaker to:

a. Make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies by a licensed veterinarian;

- b. Make reasonable efforts to recapture all cats to update rabies vaccinations as required by law;
- c. Keep and maintain vaccination, sterilization, and medical records for all trapped cats and provide the sponsor with copies of vaccination and sterilization records for all trapped cats;
- d. Provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats;
- e. Make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- f. Make reasonable efforts to remove and find permanent adoptive homes or foster homes for kittens born to colony cats;
- g. Report annually in writing to the sponsor on the status of the caretaker's colony, including:
 - 1. Total number of cats in the colony and total number of cats in the colony that are sterilized;
 - 2. Number of cats in the colony sterilized and vaccinated pursuant to the TNR program in the past year;
 - 3. Number of cats that have died or otherwise ceased to be a part of the colony in the past year;
 - 4. Number of kittens born to the colony cats in the past year and their disposition; and
 - 5. Number of cats and kittens moved for purposes of foster or adoptive placement in the past year.

(5) Feral cat colony registration. Upon registration of a feral cat colony, the caretaker shall provide his or her sponsor with:

- a. The address, telephone number and email address of the caretaker;
- b. Location of colony;
- c. Total number of cats in the colony;
- d. Total number of cats in the colony that are sterilized, total number of cats in the colony that are vaccinated against rabies, and records of such vaccinations and sterilizations.

(6) Withdrawal of caretaker or sponsor.

a. In the event that a caretaker of a registered colony is unable or unwilling to continue to perform its role, he or she shall notify his or her sponsor in writing and shall make reasonable efforts to secure a replacement caretaker.

(7) Enforcement:

- a. An animal control officer may investigate a nuisance complaint allegedly caused by a feral or stray cat or feral cat colony;
 - 1. If it is found that a feral or stray cat or feral cat colony within the corporate limits is causing a nuisance, the ACO shall provide all sponsors with written notice delineating the nuisance and location of the cat or colony with specificity.

2.If a cat or cats belonging to a registered feral cat colony is causing a nuisance, then the sponsor of the colony shall have 60 days from the date that written notice was provided to cure the nuisance. If the sponsor fails to cure the nuisance within 60 days, an animal control officer or the city shall have the right to remove the offending cat or cats.

b. An animal control officer may seize and remove a registered feral cat colony or stray cat colony if the caretaker regularly fails to comply with the requirements of this article and the sponsor does not correct the situation within 60 days of being given written notice by the city delineating the caretaker's failures with specificity;

(8) Exemptions. A caretaker in compliance with this section shall be exempt from all other ordinances of the city that impose requirements on cats that are owned, kept, harbored, or in the custody of a person.

(9) Grace period:

a. If an animal control officer or the city locates or otherwise becomes knowledgeable about an unregistered feral cat colony, reasonable efforts shall be made by the ACO to provide written notice to the caretaker of the colony.

b. Upon receipt of written notice a caretaker of an unregistered feral cat colony shall have 30 days to comply with the requirements of this article. During the 30-day period, no cat from the colony shall be removed by an animal control officer or the city for reason of causing a nuisance.

c. Upon registration within the 30-day period, a caretaker in receipt of a written notice shall be entitled to the protections as set out in this article. If the caretaker fails to register the colony within the 30-day period, the caretaker shall not be entitled to any protections under this article until registration is complete.

(10) Trapping:

a. Traps shall be of a type approved by the sponsor and placed at the colony around feeding times and checked at least every 12 hours.

b. Colony cats not intended to be trapped for medical or TNR shall be immediately released upon discovery and not taken to the shelter.

c. Sponsor(s) are authorized to further develop trapping procedural guidelines for caretakers not inconsistent with this section.

Disposition of fees

All fees (but not fines) collected, as provided for in this ordinance, shall be used to fund animal protection activities performed by the city.

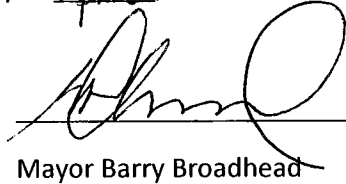
Repealer

The penalties in this ordinance shall be in lieu of any similar penalties levied or assessed by the City of Chickasaw through any prior ordinance, and such ordinances are hereby repealed to the extent of their contradiction with this ordinance as of the effective date of this ordinance.

Effective Date

This ordinance shall become effective upon passage and publication as required by law and shall commence on the 27 day of April, 2021.

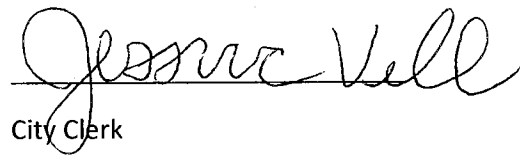
ADOPTED AND APPROVED this 27 day of April, 2021.



Handwritten signature of Barry Broadhead in black ink, written over a horizontal line.

Mayor Barry Broadhead

ATTEST:



Handwritten signature of Jennie Vell in black ink, written over a horizontal line.

City Clerk