ORDINANCE NO. 5433

AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III - DOGS AND CATS, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS

WHEREAS, the Memphis City Council desires to protect the health and safety of the citizens and pets of Memphis, encourage animal adoptions, and decrease the number of animals that are abused and abandoned; and

WHEREAS, the current code provides for the adoption of dogs and cats; the City of Memphis desires to amend the ordinance to allow for the care and adoption of other animals which become the property of the city animal shelter and to ensure that the City of Memphis recoups costs for caring for animals waiting to be adopted or redeemed by their owners.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the current Chapter 5 – Animals and Fowl – Article III – Dogs and Cats, be amended to raise the current seven dollar ($7.00) fee for each day an impounded animal is confined to fifteen dollars ($15.00) in the following sections:

Section 5-61. Impoundment and redemption of dogs.

(a) Impoundment.

(1) First Impoundment.

a. Any dog not wearing a current license tag required by this title or running at large in violation of this title shall be apprehended and incarcerated in the city animal shelter, and the owner notified, if known. Such dog shall be held for at least three business days during which time the owner may redeem or repossess the same upon payment for, or presentation of, a current license therefor, and payment of eighty dollars ($80.00), plus fifteen dollars ($15.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for adoption, as provided for in Section 5-62, or humanely put to death as soon as practicable thereafter.

(2) Second Impoundment.

a. Should a dog belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the dog upon presentation of a current license thereof and payment of one hundred fifty dollars ($150.00), plus fifteen dollars ($15.00) for

each day of confinement to defray the cost of the capture of such animal and the protection of the public.

(3) Third Impoundment.

a. Should a dog belonging to the same owner be picked up for a third time within three years of the date of the first offense, the administrator of the animal shelter, or his or her agent, will serve a summons upon the owner of the animal. The owner shall also be liable for a penalty of not less than two hundred twenty-five dollars ($225.00) to defray the cost of capture of the animal and protection of the public, with a boarding fee of fifteen dollars ($15.00) per day being charged.

Section 8-16-11.[1] Impoundment and redemption of cats.

(a) Impoundment.

(1) First Impoundment.

a. Any cat found in violation of this chapter shall be apprehended and incarcerated in the city animal shelter, and the owner notified, if known. Such cat shall be held for at least three business days during which time the owner may redeem or repossess the same upon payment of eighty dollars ($80.00), plus fifteen dollars ($15.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for adoption, as provided for in Section 5-62, or humanely put to death as soon as practicable thereafter.

(2) Second Impoundment.

a. Should a cat belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the cat upon payment of one hundred fifty dollars ($150.00), plus fifteen dollars ($15.00) for each day of confinement to defray the cost of the capture of such animal and the protection of the public.

(3) Third Impoundment.

a. Should a cat belonging to the same owner be picked up for a third time within three years of the date of the first offense, the administrator of the animal shelter, or his or her agent, will serve a summons upon the owner of the animal. The owner shall also be liable for a penalty of not less than two hundred twenty-five dollars ($225.00) to defray the cost of capture of the animal and

[1] No Section regarding impoundment and redemption of cats exists under the official numbering system

protection of the public, with a boarding fee of fifteen dollars ($15.00) per day being charged.

Current Section 5-62. Adoption of Dogs and Cats., of the Code of Ordinances, City of Memphis, is hereby deleted and amended by substituting the following section:

Section 5-62. Adoption of Animals.

Once an animal becomes the property of the city animal shelter either by gift, donation, abandonment or any other voluntary conveyance or as a result of pickup by the animal shelter or any other person or entity after the animal has been found running at large in violation of this chapter and as provided for in Section 5-61, may be adopted in accordance with the terms of the adoption contract (supplied by the shelter) and upon payment of an adoption/sterilization fee, licensing fee and fees for any other service supplied but the city animal shelter in connection with such animal. Each unaltered dog and/or cat may be sterilized by the shelter veterinarian or representative prior to leaving the shelter. Any individual taking an unaltered dog or cat from the shelter must comply with applicable ordinances and policies relating to unsterilized animals. If it is determined that a former owner of an animal is applying for adoption, such former owner may gain ownership or possession only by payment of redemption fees set forth in Section 5-61.

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 is 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.

Attest:

Patrice Thomas, Comptroller

SHEA FLINN
Council Member

MYRON LOWERY
Council Chairman

THE FOREGOING ORDINANCE
5433 PASSED
1st Reading 12-06-2011
2nd Reading 12-20-2011
3rd Reading 01-03-2012
Approved Bill Morrison
Chairman of Council

Date Signed: _____

Approved: [illegible]
Mayor, City of Memphis

Date Signed: 1/30/2012

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.
Valerie C. Swan
Comptroller