

ORDINANCE NO. 5434

AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III.5, DANGEROUS / VICIOUS ANIMAL, 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 from the dangers of vicious animals, animal cruelty, and decrease the number of animals that are abused and abandoned; and

WHEREAS, after an animal has attacked, the current code allows an animal control officer to make a determination on whether or not the animal should be declared dangerous / vicious; and

WHEREAS, should an animal be declared dangerous / vicious, the owner or responsible party shall be summoned to court for a hearing on the matter; the owner may appeal the dangerous / vicious declaration, during which time the animal will be housed at the animal shelter for observation and safekeeping; and

WHEREAS, the City of Memphis shall require the owner of the animal to pay a kennel fee in advance for the care of such an animal at the animal shelter during the running of any appeal time.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the current subsection (a) of Chapter 5 – Animals and Fowl – Section 5-65. Determination of Dangerous / Vicious Dog or Animal., of the Code of Ordinances, City of Memphis, is hereby amended to read as follows:

Section 5-65. Determination of Dangerous / Vicious Dog or Animal.

- (a) After an animal control officer has initially determined that a dog should be classified as dangerous/vicious and notification has been sent to the owner or other responsible party, unless a petition has been filed with the Shelby County District Attorney, pursuant to T.C.A. Section 44-17-120, a mandatory ordinance summons shall be obtained by the animal control officer against the owner or other responsible party citing the code section violated, setting a date to appear in city court, court of general sessions, or a court of competent jurisdiction for a determination. If the animal shelter administrator obtains a summons under this code section, then during such time the administrator shall have authority to retain the animal for observation of rabies and safekeeping of the animal shelter. Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction. During the running of any appeal time, the animal shelter administrator shall have authority to continue to retain the animal for

observation of rabies and safekeeping of the animal shelter. The owner is required to pay sixty-eight dollars (\$68) per day as a boarding fee for the dog for each day or fraction thereof the dog remains unclaimed, awaiting hearing, or retained by administrator. After the initial payment the owner must pay the charge in advance, keeping the account ahead. The owner must initially pay for at least thirty (30) days of care and payments must be made in advance until the Court authorizes the release of the animal. The initial payment shall be within ten (10) days of the shelter taking possession of the animal. If the boarding fee is not paid as required to this section, the animal shall be deemed forfeited. At the owner's request and expense, the animal may be kept at a licensed veterinary clinic upon written statement from the veterinary clinic to the animal shelter administrator that the animal will be boarded in a private, licensed veterinary clinic and the posting of a bond with the administrator in the amount of two thousand dollars (\$2,000.00) to insure compliance pending any and all court appearances.

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.

SHEA FLINN
Council Member

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE
5434 PASSED
1st Reading 12-06-2011
2nd Reading 12-20-2011
3rd Reading 01-03-2012
Approved Bill Morvina
Chairman of Council
Date Signed: _____
Approved: [Signature]
Mayor, City of Memphis
Date Signed: 1/20/2012
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. Sypis
Comptroller