

# *City of Red Bank*

Eddie Pierce  
Mayor

Tim Thornbury  
City Manager

## **BOARD OF COMMISSIONERS' MEETING**

Agenda  
April 16, 2019  
6:00 p.m.

**I. Call to Order – Mayor Eddie Pierce**

**II. Roll Call – City Manager**

Mayor Pierce \_\_\_\_, Vice-Mayor Pope \_\_\_\_, Commissioner Jenó \_\_\_\_,  
Commissioner LeCompte \_\_\_\_, Commissioner Rose \_\_\_\_

**III. Invocation –**

**IV. Pledge of Allegiance –**

**V. Consideration of the Minutes for approval or correction:**

- A. April 2, 2019 Agenda Work Session
- B. April 2, 2019 Commission Meeting

**VI. Communication from the Mayor**

**VII. Commissioner's Report**

- A. Vice Mayor Terry Pope
- B. Commissioner Ruth Jenó
- C. Commissioner Ed LeCompte
- D. Commissioner Carol Rose

**VIII. City Manager Report**

**IX. Unfinished Business**

- A. **ORDINANCE NO. 19-1151 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020, THE ZONING ORDINANCE FOR THE CITY OF RED BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTER 5, SECTION 14-501, SUB-SECTION (P) THEREOF, PERMITTED USES, IN ORDER TO CLARIFY CERTAIN SEGMENTS THEREOF (SECOND AND FINAL READING)**
- B. **ORDINANCE NO. 19-1152 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO PROVIDE FOR A COMPREHENSIVE REVISION OF THE RED BANK ORDINANCES GOVERNING OWNERSHIP, CONTROL, AND REGULATION OF ANIMALS AND DOMESTICATED FOWL WITHIN THE CITY OF RED BANK TO BE CODIFIED AT RED BANK CITY CODE TITLE 10, CHAPTER 1 THROUGH 10, INCLUSIVE, AND ENTITLED, "RED BANK ANIMAL AND FOWL CONTROL ORDINANCE" (SECOND AND FINAL READING)**

**X. New Business**

- A. **ORDINANCE NO. 19-1153 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 11, CHAPTER 6 OF THE RED BANK CITY CODE, ENTITLED "FIREARMS, WEAPONS AND MISSILES" (FIRST READING)**
- B. **RESOLUTION NO. 19-1286 – RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2019, IN AN AMOUNT NOT TO EXCEED \$1,900,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES**
- C. **RESOLUTION NO. 19-1287 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND ANIMAL CARE TRUST D/B/A MCKAMEY ANIMAL CENTER, IN THE AMOUNT OF \$69,990.00 FOR ANIMAL CONTROL SERVICES**

**D. RESOLUTION NO. 19-1288 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH JOHNSON, MURPHY AND WRIGHT FOR THE PERFORMANCE OF AN ANNUAL AUDIT BY OUTSIDE INDEPENDENT AUDITORS, IN THE AMOUNT OF \$32,450.00**

**XI. Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**

**XII. Adjournment**

*City of Red Bank*  
**COMMISSIONERS AGENDA WORK SESSION**  
**RED BANK CITY HALL**

Minutes  
April 2, 2019  
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on April 2, 2019 at 5:00 p.m. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Mayor Eddie Pierce, Vice Mayor Terry Pope, Commissioner Ruth Jenó, Commissioner Ed LeCompte and Commissioner Carol Rose. Also present were City Manager Tim Thornbury, Interim Police Chief John Wright, Fire Chief Mark Mathews, Finance Director John Alexander and City Recorder Ruth Rohen. There were no citizen attendees.

1. Mayor Pierce advised that there is Public Hearing and first reading on an ordinance to amend the zoning ordinance to regulate distances between self-storage and mini warehouse type establishments. He advised that this ordinance states that these type businesses cannot be closer than 1500 feet from each other and must be at least 50 feet from residentially zoned districts.
2. Mayor Pierce explained that first reading of an ordinance to update the city's animal control regulations is on the agenda tonight.
3. Mayor Pierce advised that there is a resolution on the agenda tonight to authorize the police department to apply for a THSO Distracted Driving Reduction Grant. City Manager Thornbury explained that this is a 100% grant in the amount of \$58,843.00 that will be used for overtime, training and supplies.
4. City Manager Thornbury presented a draft ordinance in regard to amending the municipal code in regard to firearms. He explained that the state has recently passed legislation that limits local authority to regulate the carrying of weapons in certain public areas and this ordinance will incorporate the state legislation. He advised that this item will be on the April 16<sup>th</sup> agenda for first reading.
5. City Manager Thornbury advised that there will be a resolution on the April 16<sup>th</sup> agenda to approve a 1.9 million dollar Capital Outlay Note, with an interest rate of 3.5% with a nine year repayment schedule. He advised that this will fund renovations to the new city hall, paving and replacement of the culvert at Ashland Terrace.
6. City Manager Thornbury advised that he has received several complaints about a residence that has several abandoned boats in the back yard. He advised that the city does not currently have regulations to deal with abandoned boats. He advised that he will be working with the City Attorney to address the situation by drafting an ordinance to amend the municipal code to include abandoned boats.
7. City Manager Thornbury advised that the city has been awarded three transportation improvement grants from the State of Tennessee, that include paving Dayton Blvd. from Browntown Rd. to Gadd Rd., ADA sidewalk upgrades and replacement of the Lullwater Road Bridge. He advised that the total amount of the grants is \$1,261,000.00 with the city being responsible for 20% of that amount.
8. City Manager Thornbury advised that the Red Bank Soddy Daisy Foundation reallocated the grant funds that they were going to give to the City of Soddy Daisy to the City of Red Bank. He advised that this additional amount is \$23,200.00 and that the City of Red Bank may not receive

grant funding next year. The Commission discussed several options for expending the funds. This item will be discussed again at the April 16<sup>th</sup> agenda meeting.

9. Vice Mayor Pope discussed the newly approved sign ordinance relating to pole signs. He asked for clarification about existing provisions related to when a pole signs have to be removed and a monument sign put in its place, which the commission will study further.

The meeting was adjourned at 5:45 p.m.

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Mayor

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City Recorder

**BOARD OF COMMISSIONERS' MEETING**

Minutes  
April 2, 2019  
6:00 p.m.

- I. **Call to Order** –Mayor Pierce called the meeting to order at 6:00 p.m.
- II. **Roll Call** – City Manager Thornbury called the roll. Mayor Pierce, Vice Mayor Pope, Commissioner Jenó, Commissioner LeCompte and Commissioner Rose were present. Also present were City Attorney Arnold A. Stulce Jr., Fire Chief Mark Mathews, Interim Police Chief John Wright, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit A.
- III. **Invocation** – Mayor Pierce gave the Invocation.
- IV. **Pledge of Allegiance** – Fire Chief Mark Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
  - A. **March 19, 2019 Agenda Work Session**
  - B. **March 19, 2019 Commission Meeting**

Commissioner LeCompte made a motion to approve both sets of minutes as printed, second by Commissioner Rose. Both sets of minutes were approved with all Commissioners voting “yes”.

**VI. Communication from the Mayor**

- Welcomed all.

**VII. Commissioners Report**

- **Vice-Mayor Terry Pope**
  - Welcomed everyone
- **Commissioner Ruth Jenó**
  - Welcomed all.
  - Announced that Shufford’s Bar B Que has moved into the old Southern Restaurant building.
- **Commissioner Ed LeCompte**
  - Welcomed all
  - Congratulated the Police department for receiving a grant of a protective vest for K-9 Harry.
- **Commissioner Carol Rose**
  - Welcomed all.
  - Thanked the Planning Commission for the work they do for the city.

**VIII. City Manager Report –**

Welcomed everyone. Advised that budget preparation for FY 2020 is underway.

**IX. Public Hearing**

**A. Public Hearing on Ordinance No. 19-1151**

Mayor Pierce advised that this Public Hearing is in regard to an amendment to the zoning ordinance that will clarify distance regulations in the L-1 zone between self-storage facilities. He advised that it also regulates distance requirements between self-storage facilities and residentially zoned properties. Mayor Pierce advised that the Planning Commission thoroughly

reviewed this ordinance and recommended approval. Mayor Pierce invited citizen comments, of which there were none. After no further, the Public Hearing was closed.

**X Unfinished Business –**

**A. ORDINANCE NO. 19-1148 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE RED BANK ZONING ORDINANCE NO. 15-1020, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-7-201, TENNESSEE CODE ANNOTATED BY AMENDING TITLE 14, CHAPTER 11, SECTIONS 1101 ET SEQ., OF THE RED BANK CITY CODE, REGULATING TELECOMMUNICATIONS STRUCTURES (SECOND AND FINAL READING)**

Mayor Pierce advised that if this ordinance is approved it will adopt regulations for installation of small cell telecommunications equipment within the city. He advised that the Commission held a Public Hearing on this matter during the Commission Meeting on March 19<sup>th</sup>. He explained that the legislature has left only limited authority to municipalities to regulate small cell equipment in right of ways but that there are some screening, placement, relocation, application and fee requirements in the ordinance. Mayor Pierce advised that the Planning Commission thoroughly reviewed this ordinance and recommended approval. Commissioner Jenó made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No.19-1148 was approved on second and final reading with all Commissioners voting “yes”.

**B. ORDINANCE NO. 19-1149 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE FROM C-1 COMMERCIAL TO C-3 NEIGHBORHOOD COMMERCIAL, THE PROPERTIES FRONTING BOTH SIDES OF DAYTON BOULEVARD FROM TAX MAP 109I, GROUP C, PARCEL 010 AT 4301 DAYTON BOULEVARD NORTH TO AND INCLUDING TAX MAP 109B, GROUP D, PARCEL 004, AT AN UNADDRESSED PROPERTY ON DAYTON BOULEVARD AND FROM TAX MAP 109J, GROUP A, PARCEL 027 AT 4300 DAYTON BOULEVARD NORTH TO AND INCLUDING TAX MAP 109B, GROUP L, PARCEL 001 AT 1 PAULMAR DRIVE (SECOND AND FINAL READING)**

Mayor Pierce advised that this rezoning is being considered in an effort to enhance the livability of the residential neighborhoods that are abutting Dayton Blvd. while also protecting the reasonable uses in the commercial district. He advised that the Commission held a Public Hearing on the matter during the March 19<sup>th</sup> Commission Meeting. He advised that the Planning Commission thoroughly studied this proposed rezoning for several months, held a public hearing, and recommended approving the ordinance. He also explained that this rezoning addresses and conforms to the long term land use plan for the city. Commissioner Rose made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No.19-1149 was approved on second and final reading with all Commissioners voting “yes”.

**C. ORDINANCE NO. 19-1150 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FY 2018 OPERATING BUDGET TO APPROPRIATE DONATION FUNDING FROM THE RED BANK AND SODDY DAISY CHARITABLE FOUNDATION IN THE AMOUNT OF \$23,200.00, AND TO ACCEPT CONDITIONS OF THE GRANT (SECOND AND FINAL READING)**

Mayor Pierce advised that this ordinance will amend the budget to add grant funding from the Red bank and Soddy Daisy Charitable Foundation. He advised that the funds will be used for the sole purpose of purchasing Christmas decorations as had been requested by the city. Vice Mayor Pope made a motion to approve the ordinance, including the stipulations of the grant that funds be used for the sole purpose of purchasing Christmas lights/decorations, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No.19-1150 was approved on second and final reading with all Commissioners voting “yes”.

## XI. New Business

**A. ORDINANCE NO. 19-1151 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1120, THE ZONING ORDINANCE FOR THE CITY OF RED BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE, TITLE 14, CHAPTER 5, SECTION 14-501, SUB-SECTION (P) THEREOF, PERMITTED USES, IN ORDER TO CLARIFY CERTAIN SEGMENTS THEREOF (FIRST READING)**

Mayor Pierce advised that this ordinance was discussed during the earlier Public Hearing. He explained that this amendment will implement distance requirements between mini-warehouses or self-storage facilities. He explained that, if approved, these type facilities cannot be located within 1500 feet of each other nor shall they be located within 50 feet of any residentially zoned property. He advised that the Planning Commission thoroughly reviewed this ordinance and recommended approval. Commissioner Rose made a motion to approve the ordinance, second by Commissioner Jenó. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 19-1151 was approved on first reading with all Commissioners voting “yes”.

**B. ORDINANCE NO 19-1152 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO PROVIDE FOR A COMPREHENSIVE REVISION OF THE RED BANK ORDINANCES GOVERNING OWNERSHIP, CONTROL, CONTROL, AND REGULATION OF ANIMALS AND DOMESTICATED FOWL WITHIN THE CITY OF RED BANK, TO BE CODIFIED AT RED BANK CITY CODE, TITLE 10, CHAPTER 1 THROUGH 10, INCLUSIVE AND ENTITLED, “RED BANK ANIMAL AND FOWL CONTROL ORDINANCE” (FIRST READING)**

Mayor Pierce advised that it has been several years since the city’s animal control regulations have been reviewed, revised and updated. He advised that this ordinance will update the regulations relating to animal control within the city. Commissioner Jenó made a motion to approve the ordinance, second by Vice Mayor Pope, There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 19-1152 was approved on first reading with all Commissioners voting “yes”.

**C. RESOLUTION NO. 19-1285 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE 2019-2020 TENNESSEE HIGHWAY SAFETY OFFICE DISTRACTED DRIVING ENFORCEMENT GRANT PROGRAM**

Mayor Pierce advised that this resolution will authorize the Police Department to submit a grant application to the State of Tennessee for funding to assist with reduction of distracted driving. Chief Wright advised that this is a 100% grant in the amount of \$58,843.00 that, if awarded, will be used for overtime, training and supplies. Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Rose. Resolution No. 19-1285 was approve with all Commissioners voting “yes”.

## XII. Citizen Comments – None

## XIII. Adjournment

The meeting was adjourned at 6:15 p.m.

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Mayor

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City Recorder Ruth Rohen

## ORDINANCE NO. 19-1151

### **AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND ORDINANCE NO. 15-1020, THE ZONING ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTER 5 SECTION 14-501, SUB-SECTION (P), THEREOF, PERMITTED USES, IN ORDER TO CLARIFY CERTAIN SEGMENTS THEREOF**

WHEREAS, City Administration based on experience and input from the Commissioners and Members of the Red Bank Planning Commission, has identified the need to update and revise the existing Red Bank Zoning Ordinance relating to use separations distances in the L-1 Light Manufacturing Zone; and

WHEREAS, the City Commission, the Planning Commission, and as aided by the Southeast Tennessee Development District, wishes to promote economic revitalization through diversification of land uses in certain areas and by the reasonable and orderly regulation of Self-Storage Facilities; and

WHEREAS, the Planning Commission provided an opportunity for citizens to speak in favor of or against this ordinance during a public and advertised Public Hearing during its regularly scheduled meeting on March 21, 2019; and

WHEREAS, the Planning Commission has made recommendation to the City Commission that this ordinance should be approved; and

WHEREAS, the Red Bank City Commission provided an opportunity for citizen comments in favor of or against the ordinance at a public and advertised Public Hearing during its regularly scheduled Commission Meeting on April 2, 2019, prior to final reading.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. That Title 15, Chapter 5, Section 14-501, Permitted Uses, subsection (P) thereof, be deleted in its entirety and the following be inserted in its place and stead:

(P) Warehouse and trucking terminals, outdoor storage and display, self-storage or mini-warehouse facilities provided that no self-storage or mini-storage establishment shall be located within fifteen hundred (1,500) feet of any other self-storage or mini-warehouse facility and no part thereof shall be located within fifty (50) feet of any residentially zoned property. Further any outdoor storage facility which abuts any parcel zoned other than L-1 shall also be screened pursuant to the screening requirements listed in Chapter XI of the Zoning Ordinance as to each portion thereof which abuts any property zoned other than L-1. Distances requirements shall be measured from nearest property line to nearest property line. It shall be the responsibility of the owner / applicant to present a survey from a registered Tennessee Land Surveyor verifying such distance requirements.

SECTION 2. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 3. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
PASSED ON FIRST READING

\_\_\_\_\_  
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 19-1152

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO PROVIDE FOR A COMPREHENSIVE REVISION OF THE RED BANK ORDINANCES GOVERNING OWNERSHIP, CONTROL, AND REGULATION OF ANIMALS AND DOMESTICATED FOWL WITHIN THE CITY OF RED BANK TO BE CODIFIED AT RED BANK CITY CODE TITLE 10, CHAPTERS 1 THROUGH 10, INCLUSIVE, AND ENTITLED "RED BANK ANIMAL AND FOWL CONTROL ORDINANCE"

WHEREAS, the City Commission finds that present regulatory provisions of and with respect to keeping, controlling and monitoring domesticated animals within the City of Red Bank is outdated, cumbersome, , problematic and in need of revised, rules and regulations; and

WHEREAS, the City Commission finds that it is necessary and appropriate to revise, amend and enact a comprehensive set of rules and regulations of and with respect to keeping and monitoring domesticated animals and the exclusion of animals other than expressly permitted by the Ordinance within the City of Red Bank and to thereby rescind and repeal previously enacted and inconsistent ordinances addressing the same topic.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank as follows:

- (A) Title 10, Chapter 1, Sections 10-101 through 10-111, inclusive, is/are repealed.
- (B) Title 10, Chapter 2, Sections 10-201 through 10-215, inclusive, is/are repealed.
- (C) The Red Bank Animal and Fowl Control Ordinance is hereby enacted to provide as follows:

ARTICLE I. ANIMAL SERVICES DIVISION

Section 10-1. Animal Care; Agent of the City of Red Bank duties; powers.

(a) Animal Care The agent together with the Red Bank Police Department as appropriate or necessary shall be authorized to provide animal services for the City of Red Bank.

(b) These contracted services shall include the following:

- (1) Providing essential animal services to the residents of Red Bank through the enforcement of animal-related codes as stated in the Tennessee Code and City Code;
- (2) Licensing of animals;
- (3) Animal safety and educational programs;
- (4) An attempt to reach resolution of animal-related problems by

education or advice;

(5) Emergency and rescue services for animals;

(6) Cooperation with the county health director and assisting in the enforcement of the laws of the City and state with regard to companion animals and especially with regard to the vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals;

(7) Investigation of cruelty, neglect or abuse of companion animals and

(8) Maintaining an animal shelter in accordance with the provisions of this Chapter that will include, but not be limited to, sheltering of animals impounded under this Chapter, licensing of animals, quarantine of rabies-suspect animals, reduction of stray and unwanted animal population through spay and neuter programs, community education with regard to pet overpopulation, methods of ownership identification and disposition of impounded animals by adoption, redemption, or humane euthanasia. Animals generally, T.C.A. §§44-17-101, et seq.

(c) Any animal services officer or police officer of the City shall have the power and duty to protect the animals taken into custody, whether in transit or at the Agents Animal Center. Any animal services officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency and/or appears to be unable to physically remove itself from a situation that restricts its movement. If a rescued animal is found to have reasonable proof of ownership such as an implanted microchip, tattoo or collar with identification, it shall be provided with immediate veterinary care if the officer deems such care to be necessary in an attempt to prevent, physical pain, suffering, disability or death of the animal. The animal's owner shall be responsible for all expenses incurred for the rescue and subsequent treatment of the animal. If the animal has no detectable identification or is found abandoned or not properly cared for, the Agents Animal Center director, a licensed veterinarian or two reputable, experienced employees in the animal welfare field may be called to view the animal and give written certification of the animal's condition. If it is determined that the animal is diseased, significantly injured, suffering, neonatal, feral or highly aggressive, and due to such condition is an improbable candidate for adoption, the animal can be immediately euthanized. In no event shall the determination as to disposition of the animal be delayed beyond forty-eight (48) hours after it is determined that said animal should, for humane reasons, be immediately destroyed by humane euthanasia.

#### Section 10-2. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*"Abandon"* means forsake, desert or absolutely give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to provide one or more of the elements of adequate care for a period of twenty- four (24) or more consecutive hours.

*“Adequate care”* or *“care”* means the reasonable practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health.

*“Adequate exercise”* or *“exercise”* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

*“Adequate feed”* means the access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal without duress or competition; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

*“Adequate shelter”* means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provide a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals’ feet to pass through the openings, (ii) sag under the animals’ weight, or (iii) otherwise do not protect the animals’ feet or toes from injury are not adequate shelter.

*“Adequate space”* means sufficient space to allow each animal to (i) easily stand sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-

four (24) hour period.

*“Adequate veterinary care”* means to provide medical care to alleviate suffering, prevent disease transmission, maintain health, and provide available care to prevent diseases through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.

*“Adequate water”* means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every 8 hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternate source of hydration consistent with generally accepted husbandry practices.

*“Adoption”* means the transfer of ownership of a dog or cat from a releasing agency to an individual.

*“Agricultural animals”* means all livestock and poultry.

*“Agent”* means that person or persons responsible for the Animal Control Services within the City of Red Bank; Agent is synonymous in most contexts herein with “Animal Services Officer” (ASO) and with “Animal Center”

*“Altered”* means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

*“Ambient temperature”* means the temperature surrounding the animal.

*“Animal”* means a living organism characterized by voluntary movement except human beings and plants.

*“Animal act”* means any performance of animals where such animals are trained to perform some behavior or action or are part of a show or performance.

*“Animal Center”* means any contractor or Agent with which the City contracts to perform the tasks, duties, responsibilities or actions provided for in this Red Bank Animal and Fowl Control Ordinance.

*“Animal Hoarder”* means a person who possesses a large number of animals and (i) fails to or is unable to provide adequate care as defined in this chapter or (ii) keeps animals in severely

overcrowded conditions where they are unable to be in a state of good health or (iii) displays the inability to recognize or understand the nature of, or has the reckless disregard for the conditions of the animals or (iv) is living in unsanitary, unhealthful or potentially dangerous conditions due to the inability to provide adequate care as defined in this chapter.

*“Animal Services Officer”* or *“ASO”* means a person legally sworn and appointed as an animal services officer that is authorized by the City Manager and or as may be employed by the Animal Center, and or by the City’s *“Agent”* to carry out the duties imposed by this Chapter and or by state law.

*“Animal Shelter”* means any premises designated by the City for the purpose of impounding and caring for all animals found at large or otherwise subject to impoundment in accordance with the provisions of this chapter.

*“At large”* means an animal not contained behind an adequate fence or within an adequate enclosure or under the control of a person physically capable of restraining the animal, or an animal not controlled by a leash or tether no more than six (6) feet in length and appropriate for the size, age and weight of the animal

*“Attack”* means attack by an animal off its owner’s property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression; *“attack”* does not include any actions by an animal in defense of itself or its owner or keeper against aggression by a person or an animal.

*“Barking Dog”* - See Section 10-41, et seq., infra.

*“Breeder”* means anyone who either for the betterment of the chosen breed or for financial gain "sells, trades or offers to sell" a litter of dog or cats produced from a dog or cat that they do not intend to have spayed or neutered.

*“Cattery”* means any enclosure, premises, building structure, lot or area, in or on which eight (8) or more cats at least (3) months of age are kept, bred, harbored or maintained. The owner must apply for a cattery license and meet the standards of husbandry described in this chapter. Space requirements, sanitation and proper vaccinations and veterinary care are required by this section. Both kennels and catteries will be subject to at least annual inspection by the Agents Animal Center with emphasis placed on sanitation, vaccination records, absence of disease and humane operation.

*“City Manager”* means the then serving and duly appointed City Manager and/or, in context, his or her duly authorized designee.

*“Collar”* means a well fitted device appropriate to the age and size of the animal, constructed of nylon, leather, or similar material, and attached to the animal’s neck in such a way as to avert trauma or injury to the animal.

“*Companion animal*” means any domestic or feral dog, domestic or feral cat, guinea pig, small domesticated mammal, rabbit not raised for human food or fiber, miniature African pig, pot bellied pig, exotic or aquatic animal, amphibian, reptile, exotic bird, or any feral animal or any animal under the care, custody or ownership of a person or any animal which is bought, sold traded or bartered by any person. Agricultural animals, game species, or any animal regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

“*Curbside sale*” means any attempt to sell barter, trade or adopt any companion animal on a public or private street, parking lot, or location.

“*Dangerous dog*” means any dog that, according to the records of an appropriate authority:

- (1) Inflicts a severe injury on a human being without provocation on public or private property; or
- (2) Bites, attacks, scratches or endangers the safety of a human being without provocation after the dog has been classified as a potentially dangerous dog.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer’s official duties shall not be considered a dangerous dog or potentially dangerous dog for the purposes of this chapter.

A dog shall not be a dangerous dog or a potentially dangerous dog if the injury inflicted by the dog was sustained by a person who at the time, was committing a willful trespass or other tort, or was physically tormenting the dog, or was committing or attempting to commit a crime.

“*Dog*” means any member of the animal species *canis familiaris* or any animal which is a crossbreed of any animal that is a member of the *canis familiaris* species, not including, wolf/dog crossbreeds and wolf hybrids.

“*Dealer*” means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

“*Direct and immediate threat*” means any clear and imminent danger to the health, safety, or life of an animal or person as would be perceived by a reasonable person.

“*Domestic animal*” means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuildings or business.

*"Dump"* means to knowingly abandon, desert, forsake, or absolutely give up without having secured another owner or custodian; any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another including but not limited to an animal shelter, veterinary hospital or animal welfare facility.

*"Emergency veterinary treatment"* means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

*"Euthanasia"* means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

*"Foster care provider"* means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

*"Foster home"* means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for companion animals.

*"Groomer"* means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

*"Grooming shop"* means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

*"Guard dog"* means any member of the dog family (*canidae*) which has been trained or represented as a dog trained to protect commercial property or placed on commercial property for the purpose of protecting such property or persons on such property.

*"Guard dog owner"* means any person, firm or corporation, which employs a guard dog to protect commercial property from unauthorized intrusion; for purposes of this definition, "owner" includes legal owner and any person, firm or corporation who, through arrangement or contract, has secured the use of a guard dog to protect commercial property from unauthorized intrusion.

*"Guard dog purveyor"* means any person, firm or corporation supplying guard dogs to members of the public.

*"Guard dog trainer"* means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

*"Home-based rescue"* means any person that accepts: (i) more than twelve (12) companion animals; or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

*"Impoundment"* means the placement of an animal in the custody of the Agents Animal Center.

*"Kennel"* means any premises wherein any person engages in the business of boarding, breeding, buying, hunting, training for a fee, or selling dogs or cats, except a facility operated by a humane society or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals.

*"Licensed veterinarian"* means a person licensed to practice veterinary medicine.

*"Livestock"* means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine (except pot bellied pigs), goats, and poultry.

*"Menacing fashion"* means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

*"Microchip"* means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

*"Microchipping"* means the implanting of a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

*"Minor injury"* means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

*"Mischievous animal"* means any companion animal that causes a public nuisance.

*"Neglect"* means any of the following:

- (1) Failing to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;

- (2) Failing to provide an animal with adequate living conditions as defined in this chapter (adequate feed, adequate water, adequate shelter, adequate space etc.);
- (3) Failing to provide adequate veterinary care;
- (4) Keeping any animal under conditions which increase the probability of the transmission of disease;
- (5) Failing to provide an adequate shelter for an animal;
- (6) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory to suffer unnecessary neglect, torture, or pain; or
- (7) Meeting the requirements of the definition of an Animal Hoarder.

*"Owner"* means any person, corporation, organization, group of persons or association that (i) has a property right in an animal; (ii) keeps or harbors animal; (iii) has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or (iv) by agreement with or with permission of the true owner of the animal, has an animal in his or her care or acts as a caretaker or custodian of an animal. "Owner" does not include the City animal shelter, non-profit animal sheltering facility, rescue organization, feral cat caretakers, a veterinarian or an operator of a grooming shop, kennel or pet shop engaged in the regular practice of said business.

*"Person"* means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder

*"Pet dealer"* means any person or organization, other than a shelter or registered rescue organization, who engages in the business of selling, buying, brokering, or bartering of animals, whether such animals are located in the City or just offered for sale, barter, broker, etc., in the City.

*"Pet Solid Waste"* excrement from the bowels of the pet

*"Potentially dangerous dog"* means any dog that without provocation bites, attacks, scratches, or endangers the safety of a human being on any public or private property; or any dog that attacks and kills, or severely injures another properly restrained companion animal while on private or public property.

*"Proof of ownership"* means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

*"Properly cleaned"* means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with these contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazard of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

*"Proper disposal"* means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

*"Proper enclosure"* means a place in which a companion animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the companion animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the companion animal from escaping and shall also provide protection for the companion animal from the elements. The enclosure shall be of suitable size for the companion animal.

*"Properly fitted"* collar means the animal has a collar that measures the circumference of a neck plus at least one inch.

*"Properly restrained"* means: (i) controlled by a competent person by means of a chain, leash, or other like device not to exceed six feet (6') in length; (ii) secured within or upon a vehicle being driven or parked; or (iii) kept within a proper enclosure. Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

*"Provoke"* means to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an animal.

*"Public nuisance"* means any animal or group of animals that, by way of example and not of limitation, habitually:

- (1) Damage, soil or defile community or neighborhood private or public property;
- (2) interfere with the ordinary use and enjoyment of a person's property;
- (3) turn over garbage containers or damage flower or vegetable gardens;
- (4) cause unsanitary or offensive conditions;

- (5) impede the safety of pedestrians, bicyclists, or motorists;
- (6) Meet the requirements of the definition of “barking dog”; or
- (7) Are allowed to remain an unaltered free roaming cat.

*"Reasonable period"* means a period of time not to exceed twelve (12) hours in a twenty-four (24) hour period.

*"Records of an appropriate authority"* means records of any state, county or city law enforcement agency; records of any county or city animal control agency; records of any county board of health or records of any federal, state or city court.

*"Releasing agency"* means an animal shelter, humane society, and animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or rescue that releases companion animals for adoption.

*"Registered Rescue Organization"* means any person or organization, that is not acting for profit, and that rescues animals from a variety of sources and places them through adoption with new owners.

*"Relinquish"* means giving up all rights to said animal including future knowledge of the disposition of the animal.

*"Sanitary conditions"* means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

*"Severe injury"* means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding, disfiguring lacerations requiring multiple sutures or cosmetic surgery, or death on the part of the victim.

*"Stray"* means any animal: (i) which is at large; (ii) which appears to be lost, unwanted or abandoned; or (iii) whose owner is unknown or not readily available.

*"State of good health"* means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

*"Sterilize"* or *"sterilization"* means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

*"Tether"* or *"tethering"* means the restraint and confinement of a dog by use of a restraint device.

*"Torture"* or *"torment"* means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

*"Under control"* means an animal is securely confined in a fenced enclosure on the property of owner or keeper of the animal provided such an enclosure prevents the animal from leaving the property of the owner or keeper of the animal. An animal is also under control:

- (1) When the animal is located on the property of the owner or keeper of the animal and is secured by means of a leash or tether which prevents the animal from leaving the property of the owner or keeper of the animal.
- (2) When the animal is secured by means of a leash held by a person of suitable age and discretion.

*"Weaned"* means an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

#### Section 10-3. Seizure of at-large animals upon return to property.

An Animal Services officer or law enforcement officer may, upon viewing an animal at large and upon the animal's return to its legal property, impound such animal off its property for safe keeping if, in the opinion of the officer:

- (1) There is no way to ensure the animal's confinement to the property if the officer would leave it there to await the owner's return,
- (2) It could present a danger to the public, traffic or other animals if left until the owner returns.
- (3) The animal is not considered to be under control at the time of the impoundment, a notice of impound shall be posted in a place that would be visible from the public right-of-way or the front door or entrance, and it shall state the procedure to redeem such animal. This section does not authorize the entry into any building on the property nor the removal, without a search warrant or owner's written permission, of any animal from any building on the property.

#### Section 10-4. Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder or molest officers of the Agents Animal Center, law enforcement officers, or veterinarians in the performance of any duty authorized by this Chapter or to seek to release any animal in the custody of the Agents Animal

Center except as otherwise specifically provided herein.

Section 10-5. Care of impounded animals.

Any Animal Shelter shall take proper care at all times of all animals held in custody and shall provide such animals with adequate food, water, care, and shelter.

Section 10-6. Redemption by owner.

The owner of any animal confined in the Agents Animal Center may, before the expiration of the legal holding period, redeem the same upon payment of the assessed fees and production of proof of ownership satisfactory to the Agents Animal Center of his or her ownership of the animal.

Section 10-7. Disposition of fees and proceeds of sales collected by Agents Animal Center.

All fees and the proceeds of the sale of animals shall be collected by the Animal Center unless otherwise provided by contract approved in advance by the City Commission.

Section 10-8. Animal Services Officer.

Upon written request by the Director of Agents Animal Center and upon background investigation by the Police Department, the City Manager may issue unto the officers named in such request commissions as special police officers of the City to enforce the provisions of this Chapter. The holders of such commissions shall have, possess and exercise every power granted by such commissions but such special policemen shall not be regular police officers of the City nor shall they be entitled to any benefits afforded regular police officers of the City.

Section 10-9. Enforcement of article; obstructing enforcement.

The Agents Animal Center and/or the Red Bank Police Department and/or the City Manager or his/her designee shall enforce the provisions of this Chapter and shall have the powers to issue citations for violations thereof. It shall be unlawful for any person to hinder, molest or interfere with Agents Animal Center personnel or such other persons authorized hereby in the performance of their duties hereunder.

Section 10-10. Setting humane animal traps and authority to receive trapped animals.

The Agents Animal Center or other person(s) authorized by Sections 10-8 and 10-9 hereof, are authorized to place, upon request, live-capture animal traps on private property with the permission of the owner or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an Animal Services officer or the

officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap. The Agents Animal Center is authorized to receive and impound animals that are trapped by other agencies or persons.

Section 10-11. Duty to report shows and entertainment involving live animals to Agents Animal Center; presence of Animal Services Officer at shows involving animals; penalty for violation.

(a) The owner of any auditorium, theater or other facility open to the public in which any person or other entity intends to have a show or other entertainment involving live animals shall notify in writing the Agents Animal Center and to the City Manager's Office of such intent not less than thirty (30) calendar days in advance of such show or entertainment. An administrative fee of one hundred dollars (\$100) per event shall be payable to Agents Animal Center and accompanying the required form of notification.

(b) No owner of any auditorium, theater or other facility open to the public in which any person or other entity intends to have a show or other entertainment involving live animals shall permit or allow any such show or entertainment in the absence of an officer or employee of the Agents Animal Center, except as provided in subsection (c) below.

(c) The Agents Animal Center, upon receiving such notice, shall have one (1) or more of its officers or employees present at the arrival, departure and/or presentation of such show or other entertainment in order to ensure compliance with the provisions of this Chapter, provided that the Agents Animal Center may, in its discretion, elect not to attend such show or entertainment and shall notify the owner or representative who has provided the aforesaid notification of such election in writing, and in such event no such owner shall be deemed to have violated the provisions of this section.

(d) This section does not apply to dog shows, cat shows or other similar events involving animals being judge or exhibited.

Section 10-12. Inspections.

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or other applicable law, an animal services officer or police officer or designee of the City Manager is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained, as follows:

(a) If such property is occupied, the officer shall first present proper credentials to the occupant and request permission to enter, explaining his reasons therefore;

- (b) If such property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request permission to enter, explaining his reasons therefore; and
- (c) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal services officer, police officer or designee of the City Manager shall seek to obtain a warrant from the City Court Judge or the General Sessions Court of Hamilton County, Tennessee, to conduct a search of the property.

Section 10-13. Reserved.

## ARTICLE II. IN GENERAL, IMPOUNDING

Section 10-14. Authority to go upon private property.

An agent of Agents Animal Center or any authorized person pursuant to Section 10- 9 of this Ordinance, can pursue any animal for the purposes of enforcing the provisions of this chapter over open property or open fields unless requested to leave by any owner of the property. Any agent of the Agents Animal Center, police officer, peace officer, or other employee of the city under the control and supervision of the aforementioned persons shall have the right to go on unfenced or unposted private property within the city of Red Bank for the express purpose of enforcing the provisions of this chapter provided it is necessary or expedient for such purpose.

Section 10-15. Animals at large.

(a) It shall be unlawful for any person to allow any unrestrained animal belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go unrestrained or be allowed to be not directly under control. Any animal found running at large in violation of this section and any animal required to be licensed found at large unlicensed is declared to be a nuisance and liable to seizure and disposal as provided in this Chapter.

(b) Any animal found at-large more than once in any twelve (12) month period shall be subject to seizure and/ or impoundment. Such animal shall not be redeemed by any person until such animal is spayed or neutered. The owner or keeper of such animal shall be responsible for the expense of such spay/ neuter. Spaying/Neutering requirement will be waived upon a showing of proof of /spay/neuter from a licensed veterinarian or if the owner or keeper provides a written statement from a licensed veterinarian stating that the spay/ neuter procedure would be harmful to the animal.

(c) Estrous period. It shall be unlawful for any person owning or having ownership,

possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period or in heat. During this period, the owner or person having possession of the animal must restrain the animal in a secure, roofed enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such dog or cat not so confined may be seized and impounded. Such animal shall not be redeemed by any person until such animal is spayed if the female animal is in heat at the time of impound as is determined by a licensed veterinarian. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved, if the owner is found to be in possession of a current breeders permit.

(d) It shall be unlawful for any person to permit his or her animal, or an animal in such person's care, in any public park or recreation area, including pedestrian walkways and bridges, if there is posted in such park or recreation area a sign prohibiting such animals. Any animal found in a park or recreation area in violation of this section is declared to be a nuisance and liable to seizure and disposal as provided in this Chapter.

Section 10-16. Animal causing unsanitary conditions; prohibited.

(a) It shall be unlawful for any person to allow an animal to cause unsanitary conditions within the city limits of Red Bank. This serves to require the proper disposal of pet solid waste in the city of Red Bank, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(b) All owners and persons are required to immediately and properly dispose of a pet's solid waste deposited on any property, public or private, not owned or possessed by that person which shall include, at a minimum, immediate placement of animal waste in a plastic bag, tying or sealing same, and placing the bag and contents in a garbage can or other suitable container.

(c) Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

(d) The provisions of this Article shall be enforced by the Agents Animal Center, and Police Department of the city of Red Bank and/or other designees of the City Manager.

(e) Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a mandatory fine of \$50.00.

Section 10-17. Animal creating nuisance; prohibited.

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance as defined by this Chapter. The owner or custodian must keep the animal that has been determined by the Agents Animal Center and/or by a police officer or the designee of the City Manager to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the Agents Animal Center

director and/or the designee of the City Manager declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to abate the nuisance. It shall be unlawful for the animal's owner or custodian to fail to comply with such instructions.

Section 10-18. Keeping stray animals; failure to surrender stray animal.

It shall be unlawful for any person in the City to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to such person without permission of the owner. Any person within twenty-four (24) hours from the time such animal came into his or her possession must surrender the animal to the Agents Animal Center. Upon receipt an animal services officer shall take such animal and place it in the Agents Animal Center for a required legal stray hold period of five (5) days. If such animal is not reclaimed after five (5) days, the person may apply through normal process and fees to become the adoptive owner of the animal. The expense of sheltering fees, license fee and rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the five (5) days. No person harboring such an animal shall refuse to relinquish such animal to its legal owner prior to the expiration of said five (5) days.

Section 10-19. Impounding, destruction of violating animals authorized.

(a) The Agents Animal Center shall take up and impound any animal found running at large and/or in violation of this Chapter.

(b) If, in the attempt to seize an animal, it becomes impossible to do so with the hands, any Animal Services or police officer, being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies, may, at his or her discretion, tranquilize the animal, discharge his or her Taser, Mace or a police officer may dispose of the animal by shooting it.

If any animal so impounded is found to be neonatal, suffering in pain, sick, injured, contagious, carrying a zoonotic disease or vicious, the animal may be immediately destroyed in a humane manner as provided in Section 10-28.

(c) Excluding owner-relinquished animals, if the Agents Animal Center takes custody of a domestic animal pursuant to this chapter, the Agents Animal Center shall give notice of such seizure by posting a copy of it at the property location at which the animal was seized or and at the property at which an Agents Animal Center officer reasonably believes the animal may reside or by delivering it to a person residing on such properties within two (2) business days of the time the animal was seized.

Section 10-20. Care while in custody.

Any animal care facility including any Animal Shelter shall provide clean, comfortable

and sanitary quarters for all dogs and cats, keeping intact males and females and vicious dogs in separate kennels or cages and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding.

Section 10-21. Notification of impounding.

Immediately upon impounding an animal, the Agents Animal Center or its designee shall give notice by postcard or letter sent certified by United States mail to the address of the owner, if known, within two (2) business days after the seizure of such animal. The letter or postcard shall inform such owner of the conditions whereby the animal may be redeemed. Notification by mail shall not be required for animals which have been impounded pursuant to this Chapter if a citation has been issued to the owner or for owner-relinquished, abandoned or quarantined animals or wildlife.

Section 10-22. Redemption of impounded animals by owner; fees.

(a) The owner of a dog or cat may claim and redeem it upon payment of the license fee required by this Chapter and an impound fee of twenty dollars (\$20.00) plus board for each day such dog or cat has been kept at the Agents Animal Center at the rate of ten dollars (\$10.00) per day; provided, however, that, upon the second and subsequent offenses, for a licensed or unlicensed dog or cat, the above fee shall be fifty dollars (\$50.00) in addition to the board of ten dollars (\$10.00) per day as set out above. All veterinary costs and/or other costs incurred as a result of impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the Agents Animal Center.

(b) All owners of livestock may claim and redeem such animal by paying the Agents Animal Center an impound fee of fifty dollars (\$50) and board for each day at the rate of ten dollars (\$10) per day plus the cost of any transportation of the animal to the Shelter. Such costs as well as all veterinary costs and or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full regardless of whether the animal is reclaimed or relinquished to the Agents Animal Center.

Section 10-23. Disposition of unclaimed dogs or cats.

Any currently licensed or otherwise identified dog or cat impounded shall be kept for a period of ten (10) days after certified notice is mailed to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of as provided by law.

Any unlicensed dog or cat impounded with no detectible identification shall be kept for five (5) business days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of as provided by law.

Section 10-24. Detention when rabies suspected.

Every animal determined or reasonably suspected by the Health Director of the Hamilton County Health Department or any authorized officer thereof and/or by the Agents Animal Center and/or by any person otherwise authorized by Section 10-9 of this Title to pose a risk of rabies and every animal that has bitten a human and/or been exposed to rabies or is suspected of having rabies shall be, at the direction of the Director of Health, quarantined for a minimum period of ten (10) days at the owner's home or at the Agents Animal Center or, at the option of the owner of such animal, shall be detained in a licensed veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Director of Health or his designee, and it shall be released or, if the animal is determined by a veterinarian or the Director of Health or his designee to have rabies, humanely destroyed by the Agents Animal Center after the termination of the observation period according to instructions from the director of health. The Director of Health may order the Agents Animal Center to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. The owner of such dog or cat shall be liable for board fees in the amount of ten dollars (\$10.00) per day if such dog or cat is confined at the Agents Animal Center. Such costs as well as all veterinary costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the Agents Animal Center. State law reference-T.C.A. §§ 68-8-101—68-8-113.

Section 10-25. Procedure with respect to redemption or adoption of animals.

(a) No person shall adopt a dog or cat from an agency, including but not limited to an Agents Animal Center, dog pound, animal control agency, humane shelter or private organization operating a shelter from which animals are adopted or reclaimed, unless:

- (1) The dog or cat has first been spayed or neutered; or
- (2) The new owner signs a written agreement with the agency stating that he or she will have the animal spayed/neutered within thirty (30) days after adoption of such animal if the animal is at least six (6) months of age or to be done by the age of six (6) months.

(b) The agency shall have the authority to require deposits from the new owner in order to ensure that the animal is spayed or neutered. The deposit shall not be less than twenty-five dollars (\$25.00). Any deposits unclaimed after a period of six (6) months from the date due for surgery and in which time reasonable efforts have been made to ensure compliance, shall be deemed to be forfeited and shall only be used for the altering of animals. The provisions of this subsection shall not apply to persons selling or giving away animals from a residence, business or retail facility.

(c) All dogs and cats adopted from the Agents Animal Center shall be vaccinated against rabies prior to adoption, provided that if the dog or cat is less than three (3) months old a

deposit of not less than twenty-five dollars (\$25.00) shall be collected from the person adopting the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four months of age. In the alternative, a person adopting a dog or cat may prepay the cost of such vaccination at the Agents Animal Center; such person must obtain the vaccination within fifteen (15) days of the adoption of such dog or cat if the animal is over three months of age or within fifteen (15) days of the dog or cat reaching three (3) months of age.

(d) Except for dogs and cats for which the owner can provide proof of vaccination, all dogs and cats redeemed from the Agents Animal Center shall be vaccinated against rabies prior to redemption, provided that if the dog or cat is less than three (3) months old a deposit of not less than twenty-five dollars (\$25.00) shall be collected from the person redeeming the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four months of age.

Section 10-26. Immediate placement for adoption or destruction of animal surrendered by owner.

An animal surrendered by its owner to the Agents Animal Center may be immediately placed for adoption or humanely destroyed in the discretion of the Agents Animal Center director or the director's designee when the owner:

- (i) Affirmatively represents by affidavit that he or she is in fact the legal owner of said animal;
- (ii) Agrees to hold the City of Red Bank, Agents Animal Center and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and
- (iii) Transfers ownership of said animal to the City or Animal Center.

Section 10-27. Notice of seizure of animal.

Excluding owner-surrendered animals, if the Agents Animal Center takes custody of a domestic animal pursuant to this Chapter, the Division or its designee shall give notice of such seizure by posting a copy of it at the property location in the City of Red Bank at which the animal was seized or and at the property at which an Animal Services officer reasonably believes the animal may reside or by delivering it to a person residing on such properties within two (2) business days of the time the animal was seized.

Section 10-28. General duties of keepers of animals.

(a) Unlawful conduct. It shall be unlawful for any person to neglect an animal as neglect is defined in this Chapter.

(b) Breeding and reproduction of diseased animals prohibited. A person owning or having possession, charge, custody or control of an animal shall not breed, sell, give away or allow the reproduction of that animal with a disease contagious to other animals or human beings. Breeding of animals in the city limits shall not be permitted without first obtaining a breeder's permit pursuant to this chapter. Each offspring shall be considered a separate violation.

(c) Abandonment. It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to abandon that animal on a street, road, highway, public place, Agents Animal Center or private property. Each animal abandoned in violation of this section shall be considered a separate violation.

(d) Public Nuisance. It shall be unlawful for any person to allow any animal under his or her care or control to become a public nuisance as defined in this Chapter.

Section 10-29. Destruction of dangerous, diseased or injured animals.

(a) It shall be the duty of the Executive Director of the Agents Animal Center to order the humane destruction of any animal lawfully taken into the custody of the Agents Animal Center if it is deemed more humane to euthanize such animal than hold it for the required holding period due to sickness, disease, injury or danger to the safety of the community. If the animal to be euthanized under this section is wearing an identification, rabies or license tag, the owner shall be notified before the animal is euthanized unless the animal is in critical condition and the owner cannot be reached within a reasonable period of time in which event a veterinarian may authorize euthanasia of the animal for humane reasons.

(b) The Executive Director may issue either a verbal authorization followed by written confirmation or written authorization for such humane destruction.

Section 10-30. Exemption from Chapter.

This chapter does not apply to certified and trained dogs owned and utilized by any law enforcement agency during work-related activities.

ARTICLE III. LICENSING, PERMITTING, AND INOCULATION  
OF DOGS AND CATS

Section 10-31. City license required; exception.

(a) The owner of every dog and cat over the age of three (3) months in the City shall obtain a license for such dog or cat from the City's Agent, i.e., McKamey Animal Center, located at 4500 N. Access Road, Chattanooga, TN 37415 or such places or locales within the City of Red Bank, if any, as the City shall determine as appropriate from time to time. The license or renewal thereof shall state the sex, breed, age, color and name of the dog or cat, together with its

markings, if any, the name and address of the owner and the date of registration. Owners of dogs or cats who have failed to obtain a license for their animals and owners of dogs or cats who have failed to renew the license of their animals within thirty (30) days of the date of license expiration shall be deemed delinquent and shall be subject to an additional late fee of twenty dollars (\$20.00) per dog or cat in addition to the regular license fee and in addition to any fines imposed upon such owners by a court of competent jurisdiction.

(b) The provisions of this section shall not apply to:

i) Nonresidents of the City who are traveling through the City or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs or cats into the City exclusively for show or exhibition purposes.

ii) An animal rescued by a registered rescue organization (as defined in this chapter) for a period of one (1) year from the intake/rescue of such animal.

(c) The McKamey Animal Center and or the City's Agent shall issue a metal license tag for each dog or cat registered as provided herein, marked "Registered, [date], Red Bank, No. --." Such tag shall be fastened to the dog's or cat's collar and worn by the dog or cat at all times. Breakaway collars are recommended when tags are affixed to collars worn by cats. It shall be unlawful for any person to use a tag on a dog or cat for which such tag was not issued. License tags issued to dangerous dogs and to potentially dangerous dogs shall be of a distinctive color different from regular license tags and different from each other.

#### Section 10-32. License fees.

(a) Subject to the provisions of subsection (b) below, the annual license fee for dogs and/or cats shall be ten dollars (\$10.00) each; provided, that a surcharge of an additional forty dollars (\$40.00) annually shall be levied against all dogs and cats which are not neutered. The license will be valid from January 1<sup>st</sup> to December 31<sup>st</sup> as long as a legal rabies vaccination is kept current. Licenses for up to three (3) animals that are neutered and owned by senior citizens over age sixty-five (65) shall be free as long as the animals are current on rabies vaccinations. The McKamey Animal Center and/or the City's Agent is authorized to charge a fee of five dollars (\$5.00) for each lost tag replaced. The McKamey Animal Center is authorized to charge a fee for implantation of microchips for the purpose of identification, registration and return of impounded pets to owners. Annual licenses will also be sold to participating licensed veterinarians by the McKamey Animal Center for resale to clients. Licensed veterinarians may add an additional \$2.00 convenience fee to each license fee the convenience fee will be retained by the participating veterinarian. The veterinarian will be required to submit a monthly report to the McKamey Animal Center and/or the City's Agent before the 5<sup>th</sup> day of each month, regarding the disposition of the licenses sold to his/her clients.

(b) The annual license fee for a potentially dangerous dog (PDD) as defined herein, shall be One hundred dollars (\$100.00) each; provided, that a mandatory surcharge of an additional fifty (\$50.00) shall be levied against all such dogs which are not spayed or neutered. The annual license fee for a dangerous dog (DD) shall be two hundred dollars (\$200.00) each provided, that a mandatory surcharge of an additional fifty (\$50.00) shall be levied against all such dogs which are not spayed or neutered. (PDD) and (DD) tags shall be of a distinctive color different from regular license tags and different from each other. The licenses for potentially dangerous dogs and dangerous dogs must be renewed by January 1<sup>st</sup> each calendar year. The license fees set forth in this subsection (b) apply to all potentially dangerous dogs and dangerous dogs regardless of ownership.

(c) The licenses, fees and taxes collected pursuant to this Article shall be used by the McKamey Animal Center and/or the City's Agent for the purposes set forth in this Chapter or otherwise provided by contract. The surcharge for unneutered dogs and cats shall be used exclusively for the sterilization of companion animals.

(d) The City Commission may adjust, increase or decrease the fees or taxes to be paid and collected pursuant to this Article by Resolution of the City Commission without the necessity of an amendment to this Ordinance.

Section 10-33. Multiple-pet, pet/animal dealer, and breeder/kennel/cattery permits.

(a) No person or organization shall keep, lodge or maintain in excess of seven (7) dogs and/or cats, unless such person or organization shall apply for and receive a multiple-pet permit from the City's Agent, i.e., McKamey Animal Center located at 4500 N. Access Road, Chattanooga, TN 37415 at the following rates.

1. Fifty dollars (\$50.00) for each dog or cat in excess of seven (7) and up to and including ten (10) dogs or cats

2. One hundred dollars (\$100) for each dog or cat in excess of twenty (20) dogs or cats.

3. Two hundred dollars (\$200) for each dog or cat in excess of twenty (20) dogs or cats.

(b) This requirement shall not apply to a registered rescue organization, an animal shelter, a zoo of a governmental agency, or an institution of higher learning.

(c) Any person operating a rescue organization or shelter must register with the City's Agent, i.e., the McKamey Animal Center, providing documents as may be required for proof of rescuer status, in order to fit within the exceptions to licensing and permitting in this chapter.

(d) Any pet/animal dealer, as defined in this chapter, must apply for and receive a pet/animal dealer permit from the City's Agent, i.e., McKamey Animal Center.

(e) Any person who owns or has control of a dog or cat and who intentionally or accidentally causes or allows the breeding of such dog or cat shall obtain a breeder's permit.

(f) Multiple-Pet and Pet Dealer permits will not be issued to persons found to have violated City and/or state laws regarding neglect or cruelty.

Section 10-34. Permits generally.

(a) All animal-related permits will be valid from January 1<sup>st</sup> to December 31<sup>st</sup> of the year of purchase and will be required in addition to any other licenses or permits required by this chapter.

(b) Any fees for multiple pets are in addition to any other license, permit or other fees imposed by this ordinance.

Registered Rescue Organization: no permit fee is charged.

(c) Facilities or quarters where animals are kept shall meet minimum standards based on the definitions regarding adequate care.

(d) Facilities of any of the above permit applicants and registered rescue organizations will be subject to inspection by Animal Service Officers for with this chapter's and the permit's minimum standards.

(e) Such permits may be revoked if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of such permit may only be reinstated after successfully passing an inspection of such facilities and paying the cost of such permit and any applicable fines and fees.

(f) Any advertisements for the sale, bartering or adoption of animals covered by these permits shall state the breeder or pet dealer permit number, if applicable, in such advertisement. Violations of this requirement shall be subject to a fine of \$50.00 per occurrence.

(g) It shall be unlawful to sell barter, trade or adopt any animal as a curbside sale within the city limits of Red Bank.

(h) Whether or not required to have a permit, any person or shelter who sells, barter, adopts out or otherwise gives away a dog or cat shall keep a written record of the description of the animal and the name and address of the purchaser/ adoptee. Such records shall be kept for at least one year and will be provided to the McKamey Animal Center upon request.

(i) Persons who meet the criteria to have a permit under this section but who have

failed to obtain a permit or who have failed to renew the permit within thirty (30) days of the expiration of any prior license shall be deemed delinquent and shall, effective February 1<sup>st</sup> of each successive year, be subject to an additional late fee of twenty dollars (\$20.00) per permit in addition to the regular permit fee and in addition to any fines imposed upon such owners by the City Court or the City Administrative Hearing Officer of the City of Red Bank.

Section 10-35. Rabies inoculation required.

(a) Any person who owns keeps or harbors a dog or cat within the City shall have such dog or cat properly inoculated or immunized against rabies. Any person who obtains an uninoculated dog or cat shall at once have such dog or cat properly inoculated against rabies and have the first time inoculation repeated one (1) year thereafter; thereafter the duration of the rabies vaccination cannot exceed three (3) years and must be in accordance with manufacturer's recommendation provided that, dogs and cats need not be inoculated before reaching the age of three (3) months.

(b) No person shall bring a dog or cat into the City for sale, exchange, offer for adoption, or giving away from another state unless such dog or cat, being at least 3 months of age, has been inoculated by a veterinarian of the state in which the owner, caretaker or responsible person lives and the owner, caretaker or responsible person of such dog or cat has in his/her possession a certificate of the vaccination or inoculation.

Section 10-36. Inoculation records required; tags.

Any veterinarian who inoculates or a dog or cat against rabies shall keep a record of such inoculation shall provide the owner of the dog or cat with an approved tag, which shall have thereon, indelible or engraved, the year of inoculation and a number which shall correspond with the number on the record kept by the person inoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat.

Sections 10-37 - 40. Reserved.

#### ARTICLE IV. BARKING DOGS

Section 10-41. Definition.

As used in this Article, "barking dog" means any dog which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital or creates any other noise that a reasonable person would find distressing or disruptive, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 15 minutes or more in any 24-hour period, or intermittent barking for 30 minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this Chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated,

or when the dog is being teased or provoked or is responding to an emergency.

Section 10-42. Barking dogs generally.

- (a) It shall be unlawful for a barking dog to exist in the City as defined by this Article.
- (b) For purposes of this Article, a person violates this Section as follows:
  - (1) Allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.
  - (2) A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.
  - (3) A person who is the owner of, or a person who is a lessee or sub lessee with the current right of possession of, real property in or upon which a barking dog violation occurs.
  - (4) For purposes of this Section, "person" includes a natural person, legal entity, or the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.
  - (5) For the purposes of this Section, there may be more than one person responsible for a barking dog violation.

Section 10-43. Citation for barking dog.

- (a) The City's Agent, Animal services officers and police officers and other designees of the City Manager have the authority to issue a citation to any person responsible for a barking dog violation if probable cause exists based upon the officer's investigation.
- (b) A person who violates this Article shall be liable for and shall pay to the City of Red Bank a fine as described in the barking dog citation when due or contest the citation.
- (c) Prior to issuing a citation for a barking dog, the person responsible shall be given a ten (10) day warning period within which to correct the problem.
- (d) Each day a barking dog violation exists shall be a separate violation and be subject to a separate citation and fine. A barking dog citation may include a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more Code sections.

Section 10-44. Barking dog citation contents.

Each barking dog citation shall contain the following information:

- (a) Date on which a complaint or personal inspection established the barking dog violation(s);
- (b) Name of the person responsible for the barking dog violation(s) (if known);
- (c) Address where the barking dog violation(s) occurred;
- (d) The Code section(s) violated;
- (e) How the violation(s) were established;
- (f) Amount of the fine for the violation(s) and procedure to pay the fine;
- (g) Designation of prior citations issued for the same Code violation(s), if known by the animal services officer;
- (h) Notification of an assigned court date, time and location where the fine may be contested;
- (i) A notice that a barking dog violation is a nuisance and that collection of unpaid fines and/or penalties can result in additional fines;
- (j) Signature of the animal services officer who issued the barking dog citation;
- (k) Date upon which the barking dog citation was issued;
- (l) Proof of service to be completed by the animal services officer indicating whether citation was issued by personal service, by mail, or by posting in a conspicuous place on the property where the barking dog violation occurred; and
- (m) Any other information deemed necessary by the animal services officer for enforcement or collection purposes.

Section 10-45. Service of barking dog citation.

A barking dog citation may be served as follows:

- (a) The City's Agent, an animal services officer and/or Police Officer may personally serve the barking dog citation on the person responsible and or in possession of the premises from which the issue/problem arises.

(b) The City's Agent, an animal services officer may mail the civil citation by certified mail, return receipt requested, if the property owner and/or occupier's name is known but the violator is not present when personal service is attempted. The citation shall be mailed to the address where the barking dog violation occurred.

(c) The City's Agent, an animal services officer may post a copy of the barking dog citation in a conspicuous place on the property where the barking dog violation occurred if the property owner and/or occupier's name is unknown. In this event, the citation shall also be mailed addressed to the owner of the property where the barking dog violation occurred. A copy of the citation shall also be mailed within twenty-four (24) hours of posting the citation addressed to "Resident" at the address where the barking dog violation occurred.

Section 10-46. Payment of barking dog civil fines.

(a) A person who receives a citation under this Article may:

(1) Pay the fine in accordance with the instructions on the citation, directly to the City of Red Bank;

(2) Elect to contest the citation for the alleged violation in a hearing before the Administrative Hearing Officer for the City of Red Bank, in accordance with instructions on the citation.

(b) To avoid additional penalties, fines for barking dog violations must be received within fifteen (15) days of the date they are due.

(c) Payment of a fine shall not excuse the violator from correcting the barking dog violation. The issuance of a barking dog citation and/or payment of a fee shall not bar the City from taking any other enforcement action regarding a barking dog violation that is not corrected including without limitation, requiring removal of the dog from the premises where the offense(s) occurred and upon failure to do so, the imposition of a penalty of up to Fifty (\$50.00) per day, each day being a separate offense, for failing to do so.

Sections 10-47 - 48. Reserved.

## ARTICLE V. CRUELTY

Section 10-49. Failure to feed and water impounded animals.

It shall be unlawful for any person who impounds or causes to be impounded any animal in any shelter or other place in the City to fail to supply to such animal during such confinement adequate care as defined in this Chapter. If any animal is at any time impounded as provided herein, and continues to be without adequate care as defined in this Chapter, it shall be lawful for

any person, from time to time, and as often as it shall be necessary, to enter into and upon the premises where such animal is confined, and to supply it with necessary food and water so long as it remains so confined, and such person shall not be liable to any action for such entry.

Section 10-50. Transporting in inhumane manner.

(a) It shall be unlawful for any person in the City to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner or to leave an animal in a vehicle in a manner so as to subject such animal to excessive heat.

(b) No person shall transport any dog in or on the back of any open truck or other open vehicle while traveling on any city road, street, highway, lane or alley except as otherwise provided by this Section.

(c) This section shall not apply to any person who transports a dog in any open truck or other open vehicle which is sufficiently enclosed by stakes, racks, or is equipped with other devices which prevent the dog from falling, hanging, or escaping from the vehicle.

(d) This section shall not apply to any person while engaged in agricultural livestock activities.

Section 10-51. Authority to prevent acts of cruelty; unlawful interference.

Any Animal Services Officer or police officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer in the discharge of such duty.

Section 10-52. Tethering dogs and other animals.

(a) It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a more than a reasonable period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by an animal services officer.

(b) The terms “unhealthy situation” and “potentially dangerous situation” shall include, but not be limited to the following:

(1) Tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object for longer than a reasonable time;

(2) Tether any animal in such a manner as to permit the animal to leave the owner’s property;

- (3) Tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;
- (4) Tether any companion animal in a manner whereby the animal is subject to harassment and perpetual stings or bites that show evidence of injury from outdoor insects, or attacks by other animals;
- (5) Failure to remove waste from the tethered area on a daily basis;
- (6) Allow more than one animal to be tethered to each running cable or trolley line.
- (7) Use a tether that weighs more than one fifth (1/5) of the animal's body weight.
- (8) Tether, chain, attached to a running cable line or trolley system any animal between the hours of 10 p.m. and 6 a.m.;
- (9) Use a running cable line or trolley system that is made of a substance which can be chewed by the animal;
- (10) Use of a tether from the running cable line or trolley system to the animal's collar that prohibits access to food, water, and shelter as well as access to the maximum available area for adequate exercise;
- (11) Tether an animal in any manner other than by using a properly fitted harness or collar. Said collar shall not be the same one used for the display of current rabies and/or license tags; and
- (12) Tether an animal in a manner or location that would allow for (i) the tangling of the cable or tether; (ii) the extension of the cable or tether over an object or an edge that could result in injury or strangulation of the animal; or (iii) access by the animal to a fence.

(c) A person may do any of the following provided the dog does not become a nuisance to neighbors:

- (1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar or for longer than a reasonable period of time.
- (2) Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a recreational area.

(3) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.

(4) Tether, fasten, chain, or tie a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Tennessee if the activity for which the license is issued is associated with the use or presence of a dog.

(d) Nothing in this Section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.

Section 10-53. Sale, barter or giving away of baby chickens, ducklings, other fowl or baby rabbits.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter or give away baby chickens, ducklings, or other fowl under three (3) weeks of age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, fowl or rabbits, or to bring or transport the same into the City, provided that, this shall not be construed to prohibit the sale or display of such baby chickens, ducklings, fowl or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for the purpose of commercial breeding or raising.

Section 10-54. Unattended Animals left in automobile.

(a) A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.

(b) A person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:

- (1) A law enforcement officer or a designee of the City Manager;
- (2) A public safety employee of the State or of a local governing body;
- (3) An animal control officer under the jurisdiction of the State or this City; or
- (4) A volunteer or professional of a fire and rescue service.

(c) A person described in this section may not be held liable for any damages directly resulting from actions taken in good faith under the provisions this section.

Sections 10-55 – 57. Reserved.

## ARTICLE VI. DEAD ANIMALS

Section 10-58. Disposition of large animals in City prohibited; exception.

It shall be unlawful for any person to bury any large dead animal in the City or to deposit the same upon the surface of the ground or throw it into any river, creek or other stream or any well, cistern, cellar or other excavation or to hide it in any culvert or other place or in any way to leave or dispose of it in the City or within one (1) mile of the corporate limits; provided that, the City's Agent and/or the McKamey Animal Center director or the director's designee may issue a permit for the disposal of large dead animals, under such regulations as the director and/or City Manager may prescribe, in the City, at such places as will not, in his or her judgment, be detrimental to the public health or comfort.

Section 10-59. When owner or occupant to remove large animal from premises.

The owner or occupant of any premises in the City upon which any large animal dies or is found dead shall remove such animal, or cause the same to be removed, to some point more than one (1) mile beyond the corporate limits within six (6) hours from the time such animal dies, or is found dead, unless it dies or is found dead after 6:00 p.m., which it shall be removed before noon of the following day.

Section 10-60. Disposition of small animals.

All small dead animals shall be placed and kept in cans provided for the removal of garbage until collected by the City. Animals may also be presented for euthanasia and cremation at the McKamey Animal Center.

Sections 10-61 - 63. Reserved.

## ARTICLE VII. TRAPPING ANIMALS

Section 10-64. Definition.

As used in this Article, "trapping" means taking, killing and capturing wildlife by the use of any trap, snare, deadfall or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls and other devices, whether or not such acts result in taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls or other devices.

Section 10-65. Poisoning or trapping animals.

It shall be unlawful to trap animals within the city limits of Red Bank unless a humane trap is used and the animal is humanely destroyed or relocated as is allowed by this chapter. This shall not be deemed to apply to setting traps for vermin in any house or other building or to apply to any licensed trapper removing nuisance or destructive wildlife. It shall be unlawful for any person to poison or trap any animal or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any place outside of the buildings within the corporate limits of the city where companion animals may secure or encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method may be used. This provision shall not be construed to prohibit the trapping of wildlife in accordance with State law.

Section 10-66 - 73. Reserved.

#### ARTICLE VIII. LARGE ANIMALS

Section 10-74. Large animals-Record to be kept.

Whenever any large animal of any kind or any livestock is found which is required to be impounded, the City's Agent and/or McKamey Animal Center shall take such animal to the Animal Shelter or other adequate holding facility and shall maintain a careful description of the animal, the precise date and time of day at which it was found and in what locality it was found. Such records shall always be open for inspection by the public under the supervision of McKamey Animal Center and/or the City's Agent. The records of such large animals must be available to the public during normal Animal Shelter hours.

Section 10-75. Large animals-Notices of detention; sale.

On the next business day following the impounding of any large animal or livestock of any kind, the City's Agent and/or McKamey Animal Center shall cause notices of the detention of the animal to be written, containing a full description and the particulars of the animal, and shall post at large two (2) of such notices at Red Bank City Hall in a conspicuous place and in the same notice shall recite that if not redeemed by the owner thereof within ten (10) days from the date of posting the notice, the animal will be sold at public auction to the highest bidder for cash at a day and hour specified in the notice or offered for adoption. Final legal disposition is at the discretion of the City's Agent and/or McKamey Animal Center. All notices shall be numbered consecutively and the McKamey Animal Center and/or the City's Agent, shall retain and post a copy of each. If any large animal or livestock of any kind is not redeemed in the time specified in the notice of detention, it shall be sold by or at the direction of the City Agent and/or McKamey Animal Center at the date and hour specified in such notice at public auction to the highest bidder for cash.

Section 10-76. Large animals-Disposition of animals not sold.

Unclaimed large animals or livestock not sold as provided in Section 10-75 may be

adopted by persons other than their owners upon payment of all accrued fees, and if not so adopted, may be humanely destroyed by the Animal Service Division or otherwise disposed of.

Section 10-77. Keeping or possessing livestock, horses, swine, goats or chickens, and similar animals.

(a)(1) It shall be unlawful for any person to keep or possess livestock, horses, swine, goats, chickens or roosters and/or similar animals within the City on property other than agriculturally zoned land, unless such animals are kept on a tract of land of two (2) or more contiguous acres. Any such animals must be kept or maintained in a manner which does not constitute a nuisance, including foul or offensive odors.

(a)(2) It shall be an affirmative defense to a citation under Section 10-77(a) (1) if the owner/occupant of any real property as to which a violation is deemed to occur establishes by satisfactory evidence that the particular type of animal(s) at issue have been located on the property for a continuous period of two (2) years or longer next preceding the date of enactment of this Ordinance. As a non-exclusive example, the defense shall not be deemed established as to cattle, if present for less than three (3) years, even though horses and/or other animals herein listed may have been otherwise legally present on such property for the required number of years.

(b) This section shall not be construed to apply to persons possessing such animals for the purpose of being transported through the City, to such animals being kept and offered for sale at regularly operated stockyards or slaughterhouses, or which are located temporarily on property for the purpose of controlling kudzu or other invasive plants. This section shall also not apply to Miniature African Pigs or Pot-Bellied Pigs kept as house pets. In the event that the animals are kept for the purpose of controlling kudzu or other invasive plants, the property owner must meet the requirements of Section 10-77(c).

(c) Any animals brought in temporarily to privately own non-agricultural zones for the purpose of controlling kudzu or other invasive plants shall be subject to the following requirements:

(1) The animals shall be managed and monitored by a person who is a certified Goat Browsing Contractor or an appropriate contractor with equivalent certification, and who carries a minimum of One Million and 00/100 Dollars (\$1,000,000.00) of liability insurance.

(2) The owner of the property to be browsed by the animals shall obtain written permission from the owner of the property through which the animals must gain access to the area to be browsed by animals, at least ten (10) business days prior to beginning operation. The use of animals shall be accomplished in a non-threatening manner, and shall be maintained so as not to infringe upon surrounding neighbors.

(3) The area to be browsed by animals shall be measured, staked, and appropriately fenced.

(4) The animals shall remain within a secure enclosure at all times. The animals may be moved to a separate holding pen at night, which shall be located the maximum distance practicable from residences.

(5) The animals shall be used for controlling kudzu or other invasive plants only and shall be removed when seasonal control has been established.

(6) Property owners shall remove and properly dispose of droppings from cattle, goats, or sheep, as needed, to prevent accumulation, to avoid a health or sanitation problems, or the breeding of flies, and to prevent discharge into the storm water system.

(7) The use of animals to control kudzu or other invasive plants shall be accomplished in such a way as to not create erosion. Reasonable care must be taken to prevent storm water run-off or in creating water quality issues.

(8) Any private landowner who uses animals to control kudzu shall obtain a permit from the City Manager or his designee after review by the City's Agent and/or the McKamey Animal Center. The permit fee shall be Fifty and 00/100 (\$50.00) Dollars and shall be valid for one growing season (April 1<sup>st</sup> through October 31<sup>st</sup>) and as long as the permit holder remains in compliance with this ordinance. Any such permit may be revoked by the City Manager or by the Director of Public Works upon satisfactory evidence that the requirements of Section 10-77(c) are not being complied with by the property owner or the contractor.

(9) Once a permit is obtained by the landowner, the landowner will be given the list of Certified Goat Browsing Contractors. The landowner must contract with one of the list of Certified Goat Browsing Contractors or with an approved contractor with equivalent certification. All goat browsing or equivalent contractors shall have a current City business license.

(10) An inspection shall be conducted before the permit is approved. Another inspection shall be conducted before animals are placed on the property to ensure proper fencing has been established. Interim inspections may be conducted to determine if the contractor is complying with Section 10-77(c). A final inspection will be required after the browsing project is complete to ensure that the animals are removed from the site and any temporary fencing is dismantled.

Section 10-78. Horses, mules prohibited on sidewalks.

It shall be unlawful for any person to permit any horse or mule in his custody to go upon any sidewalk in the City. This section shall not apply to police officers in the official performance of their duties.

Section 10-79. Livestock at large prohibited.

It shall be unlawful for any person owning or controlling any bovine, swine, ratites, cattle, horses, mules, sheep, or goats to allow such animals to run at large in the streets or on any privately owned land in the City without the permission of the owner of such land. State (T.C.A. § 44-8-401) and except as otherwise expressly permitted in the City of Red Bank and by this Ordinance.

Section 10-80. Dangerous, mischievous animals at large prohibited.

It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such animal to run at large in the City.

Section 10-81. Fowl running at large, trespassing prohibited.

It shall be unlawful for the owner of any chicken or other fowl to permit it to run at large or upon the premises of any other person in the City.

Section 10-82. City declared wild bird sanctuary; acts prohibited.

The entire area embraced within the City is hereby designated as a sanctuary for wild birds. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or to rob any bird's nest. When any species of wild bird is found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, and if such are declared by qualified authorities to be creating a public nuisance and the City Manager or his designee is so informed, appropriate action may be taken by duly constituted officials after a thorough investigation. Trapping or killing of such birds shall not be resorted to unless Audubon societies, the McKamey Animal Center or humane societies are unable to find a satisfactory alternative. Legal permitted hunting through the State of Tennessee is expressly exempted from this provision.

ARTICLE IX.DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

Section 10-83. Findings.

(a) Dangerous dogs have become a serious and widespread threat to the safety and welfare of citizens and domestic animals of this City. In recent years, in or near the City and/or in

the contiguous City of Chattanooga, dogs have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed other animals. Many of these attacks have occurred in public places.

(b) The number and severity of these attacks are often attributable to the failure of owners to register, confine and properly control dangerous and potentially dangerous dogs.

(c) The necessity for the regulation and control of dangerous and potentially dangerous dogs is a citywide problem, requiring regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by dangerous and potentially dangerous dogs.

Section 10-84. Citation for Designation of Dangerous Dog or Potentially Dangerous Dog; Hearing; Designation of Dangerous Dog or Potentially Dangerous Dog; Imposition of Conditions; No Change of Ownership Pending Hearing.

(a) If an Animal Services officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is potentially dangerous or dangerous, a citation shall be issued for the owner to appear in City Court for the purpose of determining whether or not the dog in question should be designated as a potentially dangerous dog or dangerous dog. Except by agreement of the respondent and counsel for the City and with the approval of the judge, the hearing shall be held not less than five (5) nor more than fifteen (15) business days after service of citation upon the owner or keeper of the dog.

(b) The Court shall designate a dog as a “potentially dangerous dog” if the Court finds, upon a preponderance of the evidence, that the dog:

(i) has, without provocation, chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

(ii) Has attempted to attack or has attacked a person or domestic animal within the prior 18-month period while on or off the property of its owner; or

(iii) Has within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or

(iv) Has when unprovoked while on or off the property of its owner, bitten a person or a domestic animal causing a minor injury.

(v) Or has engaged in other comparable conduct.

(c) The Court shall designate a dog as a “dangerous dog” if the Court finds, upon a preponderance of the evidence, that the dog:

(i) has, without provocation on two or more occasions chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

(ii) Has attempted to attack or has attacked a person or domestic animal on two (2) or more occasions within the prior 18-month period; or

(iii) Has within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or

(iv) Has when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or

(v) Has previously been declared a potentially dangerous dog but has not been kept in compliance with any restrictions placed by the City Court judge upon the owner of such dog; or

(vi) Has been owned, possessed, kept, used or trained in violation of Tennessee Code Annotated § 39-14-203; or

(vii) Has engaged in other comparable conduct.

(d) No dog may be declared potentially dangerous or dangerous as a result of injury or damage if at the time the injury or damage the victim of the injury or damage (i) was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog; (ii) was teasing, tormenting, abusing or assaulting the dog, or (iii) was committing or attempting to commit a crime. No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared potentially dangerous or dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

(e) Upon designating a dog as a dangerous dog or a potentially dangerous dog, the Court shall impose the restrictions on the owner of such dog as set forth in this Article and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The Court shall reduce such restrictions to writing and have them served on the

respondent.

(f) It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.

(g) It shall be unlawful for any person who has been served with a citation to appear in City Court for the purpose of determining whether such person's dog should be designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog until after the City Court has issued a ruling on such a citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog to another person without (1) having advised such other person that the dog has been designated as a potentially dangerous dog or dangerous dog and (2) having advised such other person in writing of the restrictions that have been placed upon such dog.

Section 10-85. Notice of Designation.

Within ten (10) working days after a hearing conducted pursuant to this Article, the owner or keeper of the dog, if absent from the hearing, shall be notified by the City Court in writing of the decision of the Court and of any restrictions imposed upon the respondent, either personally through MAC or by first-class mail, postage prepaid. If a dog is declared to be potentially dangerous or dangerous, the owner or keeper shall comply with all restrictions imposed by this article and by the City Court.

Section 10-86. Impoundment and Abatement of Potentially Dangerous Dog or Dangerous Dog.

(a) If upon investigation it is determined by the Animal Services officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the Animal Services officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this article. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice of a hearing to be held pursuant to this article to declare the dog dangerous or potentially dangerous.

(b) The City's Agent, any Animal Services officer and/or any Police Officer may impound any potentially dangerous dog or dangerous dog if the Animal Services officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a potentially dangerous dog or dangerous dog shall surrender such a dog to any Animal Services or law enforcement officer upon demand. In the event such a dog is impounded, the Animal Services officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(c) If a dog has been impounded pursuant to subsection (a) or subsection (b), the

City's Agent may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety. Notwithstanding any other provision of this chapter, the daily boarding fee for a dog impounded pursuant to subsection (a) or subsection (b) shall be ten dollars (\$10.00).

(d) No dog that has been designated by the Court as a dangerous dog or potentially dangerous dog may be released by the City's Agent and/or by the McKamey Animal Center or a veterinarian until the owner has paid all veterinary costs and all other fees and costs of the McKamey Animal Center that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a dangerous dog or potentially dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by the City's Agent and/or the McKamey Animal Center. Euthanasia or surrender to the City's Agent and/or the McKamey Animal Center of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of the euthanasia or surrender.

Section 10-87. Possession Unlawful Without Proper Restraint; Failure to Comply With Mandatory Restrictions.

It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such dog as a potentially dangerous dog or a dangerous dog.

Title 10, Chapter 88. Mandatory Restrictions on Potentially Dangerous Dogs.

Once the dog is designated as a potentially dangerous dog by the Red Bank City Court and/or by the Chattanooga City Court and/or by any other local or non-local court of competent jurisdiction, the following shall be restrictions are mandatory upon the owner or custodian of such dog:

(a) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;

(b) The owner must allow inspection of the dog and its enclosure by the City's Agent and/or by the McKamey Animal Center and/or any person authorized pursuant to Section 10-8 and or 10-9 of this Ordinance, and must produce, upon demand, proof of compliance with such restrictions;

(c) The dog shall wear a collar and/or tag that visually identifies the dog as being potentially dangerous (purchased through the City's Agent or McKamey Animal Center);

(d) In the event that the owner or custodian of the dog is a tenant on real property

where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the City's Agent and/or McKamey Animal Center, to keep the dog on certain specified premises from the landlord or property owner;

(e) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the City's Agent and/or by McKamey Animal Center; and

(f) The owner and dog must attend and successfully complete an American Kennel Club sponsored and authorized canine good citizenship course and test within a time specified by the Court;

(g) The dog must be spayed or neutered at the owner's expense; and

(h) An identification microchip must be implanted in the dog, with the serial number of the microchip supplied by the City's agent and/or McKamey Animal Center.

The Court may impose additional restrictions that the Court deems necessary.

Section 10-89. Mandatory Restrictions on Dangerous Dogs.

a) If the dog is designated as a dangerous dog by the Red Bank City Court and/or by the Chattanooga City Court or any other local or non-local court of competent jurisdiction, the owner or custodian of such dog shall comply with the following restrictions:

(1) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five feet from the outer fence;

(2) The owner must allow inspection of the dog and its enclosure by the City's Agent and/or the McKamey Animal Center and must produce, upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the City Court;

(3) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the City's Agent and/or McKamey Animal Center, to keep the dog on certain specified premises from the landlord or property owner;

(4) The owner and dog must attend and complete a training class and/or behavior modification course approved by the City's Agent and/or the McKamey Animal Center that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior;

- (5) A sign having reflective letters and backing with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Dangerous Dog" shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept; The cost of the sign shall be the sole responsibility of the dog owner;
- (6) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;
- (7) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;
- (8) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure;
- (9) Such dog shall be photographed by the City's Agent and/or the McKamey Animal Center for future identification purposes;
- (10) Neutering or spaying of the dog;
- (11) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the City's Agent and/or the McKamey Animal Center;
- (12) Requiring the owner of the animal or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance;
- (13) Maintaining and updating annually a record maintained with MAC that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photo of the animal and any other information deemed necessary by the City's Agent and/or the McKamey Animal Center;
- (14) Samples preserved for possible DNA identification which must be delivered to the City's Agent and/or the McKamey Animal Center;

(15) The wearing of a collar and/or tag that visually identifies the dog as being dangerous (purchased through the City's Agent and/or McKamey Animal Center);

(16) Notification in writing to the City's Agent and/or McKamey Animal Center of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the City or outside the City and/or to transfer ownership of the dog; and

(17) Any other reasonable requirement specified by the City Court or any other local or non-local court of competent jurisdiction.

(b) The cost of all such restrictions must be paid by the owner.

Section 10-90. Removal of Designation of Potentially Dangerous Dog.

If there are no additional instances of the behavior described in Sec. 10-84 within 18 months of the date of designation as a potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to the City's Agent and/or the McKamey Animal Center that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the City's Agent and/or the McKamey Animal Center may petition the City Court to remove such designation.

Section 10-91. Change of Ownership, Custody Or Location Of Dog; Death of Dog.

(a) The owner or custodian of a dangerous dog or potentially dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen days prior to the actual transfer or removal of the dog, notify the City's Agent and/or the McKamey Animal Center in writing of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

(b) The owner or custodian shall, in addition to the above, notify any new owner or custodian of a dangerous dog or potentially dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner or custodian shall also provide the City's Agent and/or the McKamey Animal Center with a copy of the notification to the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. The City's Agent and/or the McKamey Animal Center may impose different or additional restrictions or conditions upon the new owner or custodian.

(c) If a dangerous dog or potentially dangerous dog should die, the owner or custodian shall notify the City's Agent and/or the McKamey Animal Center no later than twenty-four (24) hours thereafter and, upon request, from the City's Agent and/or the McKamey Animal Center shall produce the animal for verification or evidence of the dog's death that is satisfactory to the City's Agent and/or the McKamey Animal Center.

(d) If a dangerous dog or potentially dangerous dog escapes, the owner or custodian shall immediately notify the City's Agent and/or the McKamey Animal Center and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.

(e) The following persons must notify the City's Agent and/or the McKamey Animal Center when relocating a dog to Red Bank, even on a temporary basis:

- (1) the owner of a potentially dangerous or dangerous dog that has been designated as such by another lawful body other than the City of Red Bank; and
- (2) the owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the City of Red Bank based upon the behavior of the dog.

No such designation as a dangerous dog or potentially dangerous dog or any similar such designation shall be recognized by the City of Red Bank if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter.

#### Section 10-92. Unlawful use of a dog.

(a) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

(b) Upon a finding of violation, the city court upon request shall order the dog forfeited and/or destroyed.

### ARTICLE X. GUARD DOGS.

#### Section 10-93. Guard Dog Purveyor; License; Fees.

(a) It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license so to do issued to said person, firm or corporation by the City's Agent and/or the McKamey Animal Center. Only a person who complies with the requirements of this chapter and such rules and regulations of the City's Agent and/or McKamey Animal Center as may be adopted pursuant hereto shall be entitled to receive and retain such a license.

Licenses shall not be transferable and shall be valid only for the person and place for which issued. Said licenses shall be valid for one year from date of issue.

(b) The fee for such license shall be seventy five dollars (\$75.00) per year, to be renewed annually.

Section 10-94. Guard Dog Purveyor; License; Application; Contents.

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the City's Agent and/or the McKamey Animal Center. Such application shall be filed with the City's Agent and/or the McKamey Animal Center and shall include the following:

(a) A legal description of the premises or the business address of the office from which said applicant desires to supply guard dogs;

(b) A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the application shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

(c) A written acknowledgment by the applicant that prior to the actual commercial sale or purveyance of any and all guard dogs the licensee shall coordinate with the City Agent and/or the McKamey Animal Center in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee to the City of Red Bank prior to the animal performing guard dog functions.

Section 10-95. Guard Dog Trainer; License; Application; Contents.

Any person desiring to train dogs as guard dogs shall make written application for a license on a form to be provided by the City's Agent and/or the McKamey Animal Center. All such applications shall be filed with the City's Agent and/or the McKamey Animal Center and shall contain the following:

(a) A legal description or business address of the premises at which the applicant desires to train the guard dogs;

(b) A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization which trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of said entity and shall provide the name of the major executive officer of said entity;

(c) If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at said location for the duration of the license; and

(d) The fee for such license shall be fifty dollars (\$50.00) per year, to be renewed annually.

Section 10-96. Guard Dog; Registration; Annual Fee; Other Requirements.

(a) All persons using dogs as guard dogs shall register the dogs with the City's Agent and/or the McKamey Animal Center. Said registrations shall be valid for one year and must be renewed annually. The City's Agent and/or the McKamey Animal Center shall issue a tag which shall be affixed on the guard dog in such a manner so as to be readily identifiable. Such registration shall be filed with the City's Agent and/or the McKamey Animal Center and shall include the following:

(1) A legal description or business address of the premises which the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;

(2) A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration;

(3) A description of the guard dog for purposes of identification;

(4) Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities;

(5) Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting said premises and persons from unauthorized intrusion. Said acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and

(6) Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to insure the safety of the public and the welfare of the animal.

(b) The fee for registering a guard dog shall be seventy-five dollars (\$75.00) per year, to be renewed annually.

(c) All registered guard dogs shall be implanted with an identifying microchip as directed by the City's Agent and/or the McKamey Animal Center.

(d) All registered guard dogs shall wear a specific dog tag as directed by the City's Agent and/or the McKamey Animal Center.

(e) The owner of any property on which a guard dog is located shall post signs in conspicuous places at all entrances to such property with reflective letters a minimum of two inches and a maximum of ten inches in height stating "Beware of Guard Dog on the Property". Such sign shall also have a telephone number for law enforcement officers or firefighting personnel to call in an emergency situation or other situation in which the dog owner's or handler's presence is required.

Section 10-97. Inspections.

The City's Agent, and/or the director of the McKamey Animal Center or his authorized representative shall annually inspect all premises which are the subject of the licenses and registrations required herein prior to the issuance of said licenses and/or registrations. Said inspections shall include, but not be limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to insure the humane treatment of the guard dogs. If the premises are deemed inadequate, the City's Agent and/or the McKamey Animal Center shall direct the applicant to make such changes as are necessary before the license or registration is issued or renewed. The City's Agent and/or the director of the McKamey Animal Center may make such routine periodic inspections of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing the provisions of this chapter.

Section 10-98. Limitations.

The provisions of this article shall not apply to any facility possessing or maintaining guard dogs which is owned, operated or maintained by any city, county, state or the federal government; provided, private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt.

Sections 10-99 - 101. Reserved.

ARTICLE XI. MISCELLANEOUS.

Section 10-102. Penalty for violations.

Any person violating the provisions of this chapter shall be subject to a civil penalty or

fine of not less than twenty (\$20.00) nor more than fifty dollars (\$50.00) for each violation.

#### Section 10-103. Rabies Control.

(1) Every animal which bites a person shall be promptly reported to the City's Agent and/or the McKamey Animal Center, and shall thereupon be secured quarantined at the direction of the City's Agent and/or the McKamey Animal Center for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the ASO Supervisor. At the discretion of the City's Agent and/or the McKamey Animal Center, such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter. Any conflict with State law of these provisions shall be controlled by such state laws.

The owner, upon demand made by the City's Agent and/or the McKamey Animal Center, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for a supervised quarantine, the expense of which shall be borne by the owner. The animal may be reclaimed by the owner, if adjudged free of rabies, upon payment of the fees set forth in this Ordinance and upon compliance with the licensing provisions set forth in this Ordinance.

When an animal under the quarantine has been diagnosed as being rabid or is suspected by a licensed veterinarian of being rabid and dies while under such observation, the City's Agent and/or the McKamey Animal Center shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of any reports of human contact, and of the diagnosis made of the suspected animal.

When one or both reports give a positive diagnosis of rabies, the City's Agent and/or the McKamey Animal Center shall impose a city-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine.

During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the city limits without written permission from the City's Agent and/or the

McKamey Animal Center.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the City's Agent and/or the McKamey Animal Center.

The City's Agent and/or the McKamey Animal Center shall direct the disposition of any animal found to be infected with rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the City's Agent and/or the McKamey Animal Center.

Any conflict with State law of this provision shall be controlled by such State law.

Section 10-104. Physicians to report bite cases. It shall be the duty of every physician, or other practitioner, to report to the City's Agent and/or the McKamey Animal Center the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Section 10-105. Veterinarians to report rabies suspects. It shall be the duty of every licensed veterinarian to report to the City's Agent and/or the McKamey Animal Center his diagnosis of any animal observed by him as a rabies suspect.

Section 10-106. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Section 10-107. Other Laws Not Affected.

Nothing in this chapter shall affect the authority of any law enforcement officer to respond appropriately to any situation in which there is an imminent threat by an animal to the safety of any person. This chapter shall not prohibit the seizure or impoundment of dogs as evidence as provided for under any other provision of law, nor shall any other laws, whether local or state, be affected by this chapter.

SECTION 2. This Ordinance shall take effect from and after the date of its final passage, the health, safety and welfare of the citizens of the City of Red Bank requiring it.

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MAYOR

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
PASSED ON FIRST READING

\_\_\_\_\_  
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 19-1153

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 6 OF THE OF THE CITY OF RED BANK, TENNESSEE, RED BANK CITY CODE, ENTITLED "FIREARMS, WEAPONS AND MISSILES".

**WHEREAS**, Tennessee Code Annotated 39-17-1314 preempts the field of the regulation of firearms and provides only limited authority to municipalities to enact any such regulations; and

**WHEREAS**, the current language in Title 11, Chapter 6, Section 11-601 et seq. of the City of Red Bank Municipal Code is in conflict with the above referenced statute; and

**WHEREAS**, any dangerous or injurious conduct or actions relative to Section 11-502 are otherwise prohibited by state law; and

**WHEREAS**, Tennessee Code Annotated 39-17-1311 et seq. establishes statutory authorities and requirements for carrying weapons in public parks, playgrounds, civic centers and other public recreational buildings and grounds; and

**WHEREAS**, Tennessee Code Annotated 39-17-1359 et seq. establishes when handgun carry permit holders shall be restricted from possession of firearms on City owned properties;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BANK, TENNESSEE, THAT:

SECTION 1. Title 11, Chapter 6 of the Red Bank City Code shall be deleted in its entirety and shall be replaced with the following language:

**CHAPTER 6 - FIREARMS, AIR RIFLES, WEAPONS AND MISSLES**

11-601 Air Rifles, etc.

11-602 Throwing Missiles

11-603 Discharge of firearms

11-604 Hunting

11-605 Possession of Firearms on City owned Properties

11-601. **Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, compressed gas, or other force-producing means or method. (1975 Code, § 10-213)

11-602. **Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1975 Code, § 10-214)

11-603. **Firearms.** It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Red Bank, except when and where the discharge of a firearm is expressly authorized or permitted by state law and/or the regulations of the Tennessee Wildlife Commission.

11-604. **Hunting.** It shall be unlawful to hunt on any property owned, leased or otherwise controlled by the City of Red Bank. Hunting on private property is controlled by and must comply with state law and/or the regulations of the Tennessee Wildlife Commission.

**11-605. Possession of firearms on City owned properties.** In accordance with TCA 39-17-1359, the following regulations shall be strictly enforced. Violations are punishable to the extent allowable under state law.

(1) Except as otherwise provided by state law, firearms shall be prohibited on any City owned or operated properties if in the possession of a person who does not hold an then currently have in such persons possession a valid handgun carry permit issued or recognized by the state of Tennessee.

(2) In general, persons who hold and then currently have in such person's possession, a valid handgun carry permit pursuant to TCA 39-17-1351 and shall be able to lawfully possess a firearm on City owned property except as herein below expressly prohibited or may otherwise be prohibited by state law and of action of the property owners or lawful lessee.

(3) The City may restrict possession of firearms by a handgun carry permit holder if the following are provided at each public entrance to the property:

- a. Metal detection devices;
- b. At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and
- c. That each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or private security officer or an authorized representative with the authority to deny entry to the property.

(4) The possession of firearms, including by a handgun carry permit holder, is prohibited at the following locations:

- a. In the immediate vicinity of any City owned athletic field, park, or other similar public place during any school sponsored athletic event or other school-related activity;
- b. Buildings in which judicial proceedings take place including the Red Bank City Hall, regardless of whether a judicial proceeding is in progress;
- c. Buildings that contain a law enforcement agency including the Red Bank Police and Fire Department buildings;

Section 2. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid

by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

Section 3. This Ordinance shall take effect from and after the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

\_\_\_\_\_  
MAYOR OF RED BANK, TENNESSEE

ATTEST:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
PASSED ON FIRST READING

\_\_\_\_\_  
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**RESOLUTION NO 19-1286**

**RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2019, IN AN AMOUNT NOT TO EXCEED \$1,900,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES**

**WHEREAS**, the Board of Commissioners (the "Board"), of the City of Red Bank, Tennessee (the "Municipality" or the "City"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance certain public works projects, consisting of the renovation of an existing building for use as a new City Hall, street and road improvements, including paving, and emergency culvert replacement and repair, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, planning, and engineering costs incident thereto (collectively, the "Project");

**WHEREAS**, the Municipality estimates that the economic life of the Project exceeds nine (9) years;

**WHEREAS**, the Municipality finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

**WHEREAS**, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

**WHEREAS**, the Municipality is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of State and Local Finance:

**NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners of the City of Red Bank, Tennessee, as follows:**

Section 1.      Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2.      Authorization. For the purpose of providing funds to finance the costs of the Project, there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the Municipality, in the aggregate principal amount of not to exceed \$1,900,000, or such lesser amount as may be determined by the Mayor of the Municipality (the "Mayor") at the time of sale (collectively, the "Notes", individually, the "Note).

Section 3.      Terms of the Notes. The Notes shall be designated "General Obligation Capital Outlay Notes, Series 2019". The Notes shall be issued in registered form, without coupons. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, shall be sold at not less than the par amount thereof, shall bear interest at a rate or rates not to exceed 3.50% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the Mayor (the "Interest Payment Date"), and shall mature not later than the end of the ninth fiscal year from the date of issuance of the Notes. Each year the Notes are outstanding the Municipality shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes.

Interest on the Notes shall be payable by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owner of such Notes, as of the applicable Interest Payment Date, at its address as shown on the Registration Books of the Municipality maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. The principal of all Notes shall be payable upon presentation and surrender of such Notes at the principal office of the Note Registrar. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall not be subject to redemption prior to their maturity; provided, however, with the approval of and upon notice to the registered owner of the Notes, the Notes may be prepaid in whole at the price of par plus a premium in the amount of 1% of the outstanding principal amount plus accrued interest to the date of redemption. Provided, further, the Municipality may pay, from time to time, additional principal payments, after giving fifteen (15) calendar days' written notice to the registered owner of such intent to pay additional principal.

Section 5. Execution. The Notes shall be executed in the name of the Municipality; shall bear the manual signature of the Mayor; shall be countersigned by the City Recorder of the Municipality (the "City Recorder"), with his or her manual signature; and, shall have printed or impressed thereon the official seal of the Municipality. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the Mayor may deem necessary or desirable, the blanks to be appropriately completed by the Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The City Recorder of the Municipality is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books"), for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as it may designate, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein.

(b) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Transfer of Notes. Each Note shall be transferable only on the Registration Books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein. Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes,

deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 8. Regulations with Respect to Transfers. In all cases in which the privilege of transferring Notes is exercised, the Municipality shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every transfer of Notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such transfer, all of which taxes, fees, and other governmental charges shall be paid to the Municipality by the entity requesting such transfer as a condition precedent to the exercise of the privilege of making such transfer.

Section 9. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefor shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the Municipality and to the Note Registrar, if required by the Municipality and the Note Registrar.

Any notice to the contrary notwithstanding, the Municipality and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owner of the Notes as the absolute owner thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 10. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under the Resolution as of the date of authentication.

Section 11. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the Municipality, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the Municipality is irrevocably pledged.

Section 12. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent required, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the Municipality, fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said Municipality, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or

other available funds of the Municipality, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in the debt service fund of the Municipality, and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 13. Approval of Director of State and Local Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of State and Local Finance as provided by Section 9-21-601 et. seq., Tennessee Code Annotated, as amended. The Mayor, City Recorder, City Attorney, and Bond Counsel are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Municipality shall submit its annual budget to the Director of State and Local Finance for approval immediately upon the Municipality's adoption of the budget.

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the Mayor by the informal bid process at a price of not less than par and accrued interest.

Section 15. Disposition of Note Proceeds. The proceeds from the sale of the Notes shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "General Obligation Capital Outlay Notes, Series 2019 Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the Municipality. The monies in the Project Fund shall be disbursed solely to finance the Project and to pay the costs of issuance of the Notes. Monies in the Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be transferred to the Note Fund.

Section 16. Non-Arbitrage Certification. The Municipality certifies and covenants with the owner of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented, or revised. The Municipality reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owner thereof for federal income tax purposes.

The Municipality covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owner of the Notes for purposes of federal income taxation.

Section 17. Designation of Notes as Qualified Tax-Exempt Obligations. The Municipality hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Municipality reasonably anticipates that the amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii)) which will be issued during the calendar year by the Municipality (i) any issuer with respect to which the Municipality is deemed to be an "on behalf of" issuer, and (ii) all subordinate entities which are treated as one issuer under Section 265(b)(3)(E) of the Code, will not exceed \$10,000,000, and not more than \$10,000,000 of obligations

issued by the Municipality (together with those issued by any other issuers that are treated as one issuer under such Section 265(b)(3)) during the 2019 calendar year will be designated as "qualified tax-exempt obligations".

Section 18. Reimbursement Provisions. The Municipality is in the process of causing certain capital expenditures to be made with respect to the Project, including, but not necessarily limited to, planning, design, and architectural expenses, and the Municipality desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed from the proceeds of the Notes. Therefore, the Board of the Municipality finds and determines, as follows:

- (a) that it is in the best interest of the Municipality to proceed immediately with the Project, thereby incurring certain capital expenditures;
- (b) that the Municipality has certain funds available which may be used temporarily for this purpose, pending the issuance of the Notes;
- (c) that pursuant to the provisions of this Resolution, the Board anticipates that the Municipality will issue the Notes for the purpose of financing the Project;
- (d) that the Board reasonably expects to reimburse such amounts to such fund or source from which such expenditures may be made on a temporary basis as soon as proceeds from the issuance of such Notes are available; and,
- (e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the Municipality.

The Board of the Municipality by this Resolution hereby establishes its official intent to issue the Notes to finance the costs of the Project and other related expenditures in an amount not to exceed \$1,900,000. Pending the issuance of such Notes, funds necessary to finance such costs shall be advanced from such source of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the Notes.

Section 19. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owner of the Notes has been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owner of the Notes.

Section 20. No Action to be Taken Affecting Validity of the Notes. The Municipality hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owner from time to time of such Notes. The Municipality further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owner thereof for purposes of federal income taxation.

Section 21. Miscellaneous Acts. The Mayor, the City Recorder, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 22. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the Municipality to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 23. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 24. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the Municipality contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the Municipality or against any official or individual executing the Notes.

Section 25. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 26. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the Municipality requiring it.

Approved and adopted this 16th day of April, 2019.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Recorder

STATE OF TENNESSEE)  
COUNTY OF HAMILTON)

I, Ruth Rohen, hereby certify that I am the duly qualified and acting City Recorder of the City of Red Bank, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said Municipality held on April 16, 2019; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates to, among other matters, the authorization of the issuance of not to exceed \$1,900,000 General Obligation Capital Outlay Notes, Series 2019, by said Municipality; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 16th day of April, 2019.

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City Recorder

(SEAL)

EXHIBIT A  
FORM OF NOTE

Registered  
No. \_\_\_\_\_

Registered  
\$

UNITED STATES OF AMERICA  
STATE OF TENNESSEE  
COUNTY OF HAMILTON  
CITY OF RED BANK  
GENERAL OBLIGATION CAPITAL OUTLAY NOTE,  
SERIES 2019

Interest Rate:

Maturity Date:

Dated Date:

Registered Owner:

Principal Amount:

THE CITY OF RED BANK, TENNESSEE (the "Municipality"), a lawfully organized and existing municipal corporation, for value received, hereby acknowledges itself indebted and promises to pay, as hereinafter set forth, in the manner hereinafter provided, to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above, upon the presentation and surrender hereof at the office of the City Recorder, City Hall, Red Bank, Tennessee, or its successor as registrar and paying agent (the "Note Registrar"), the Principal Amount identified above, and to pay interest on said Principal Amount from the date hereof, or such later date as to which interest has been paid, to the Maturity Date, semi-annually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 2019, at the Interest Rate per annum set forth above, by check, draft, or warrant to the Registered Owner hereof at the address shown on the registration books of the Note Registrar on the fifteenth (15th) calendar day next preceding an interest payment date, in any coin or currency of the United States of America which on the date of payment thereof is legal tender for the payment of public and private debts.

In the event that any amount payable hereunder as interest shall at any time exceed the rate of interest lawfully chargeable on this note under applicable law, any such excess shall, to the extent of such excess, be applied against the principal hereof as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

The principal hereof and interest hereon shall bear interest from and after their respective due dates (whether by acceleration, demand, or otherwise) at the same rate of interest payable on the principal hereof.

Section 9-21-117, Tennessee Code Annotated, as amended, provides that this note and the income therefrom is exempt from all state, county, and municipal taxation in the State of Tennessee, except inheritance, estate, and transfer taxes and except as otherwise provided in said Code.

This note is one of a series of notes known as "General Obligation Capital Outlay Notes, Series 2019" (the "Notes"), issued by the Municipality in the aggregate principal amount of \$1,900,000. The Notes which are issued for the purpose of financing certain public works projects, consisting of the renovation of an existing building for use as a new City Hall, street and road improvements, including paving, and emergency culvert replacement and repair, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, planning, and engineering costs incident thereto, are authorized by an appropriate resolution of the Board of Commissioners and particularly that certain Resolution of the Board of Commissioners adopted on April 16, 2019, as such resolution may be from time to time amended or supplemented in accordance with its terms (such resolution, as so amended or supplemented, being herein called, the "Resolution"), and are issued pursuant to, and in full compliance with, the Constitution and the statutes of the State of Tennessee, including, but not limited to, Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"). Copies of the Resolution are on file at the office of the City Recorder of the Municipality, and reference is hereby made to the Resolution and the Act, for a more complete statement of the terms and conditions upon which the Notes are issued thereunder, the rights, duties, immunities, and obligations of the Municipality, and the rights of the Registered Owner hereof.

This note and interest hereon is payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property in the Municipality without limitation as to time, rate, or amount. For the prompt payment of this note, both principal and interest, as the same shall become due, the full faith and credit of the Municipality are hereby irrevocably pledged.

The Municipality has designated the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This note is transferable by the Registered Owner hereof in person or by its attorney or legal representative at the office of the Note Registrar, but only in the manner and subject to the limitations and conditions provided in the Resolution and upon surrender and cancellation of this note. Upon any such transfer, the Municipality shall execute, and the Note Registrar shall authenticate and deliver in exchange for this note, a new fully registered note or notes, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the principal amount of this note, of the same maturity and bearing interest at the same rate. For every exchange or transfer of notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, all of which taxes, fees, or other governmental charges shall be paid to the Municipality by the person or entity requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The Municipality and the Note Registrar may deem and treat the entity in whose name this note is registered as the absolute owner hereof, whether such note shall be overdue or not, for the purpose of making payment of the principal of and interest on this note and for all other purposes. All such payments so made shall be valid and effectual to satisfy and discharge the liability upon this note to the extent of the sum or sums so paid, and neither the Municipality nor the Note Registrar shall be affected by any notice to the contrary.

The Notes are issuable only as fully registered Notes, without coupons. At the office of the Note Registrar, in the manner and subject to the limitations, conditions, and charges provided in the Resolution, fully registered Notes may be exchanged for an equal aggregate principal amount of fully registered Notes of the same maturity, of authorized denominations, and bearing interest at the same rate.

The Note shall not be subject to redemption, in whole or in part, prior to maturity; provided however, at the option of the Municipality, upon fifteen (15) calendar days written notice to the Registered Owner, and with the consent of the Registered Owner, the Municipality may prepay the Note in full at the price of par plus a 1% premium, and accrued interest to the date of redemption. Provided, further, the Municipality may pay, from time to time, additional principal payments, after giving fifteen (15) calendar day's written notice to the Registered Owner of such intent to pay additional principal.

This note shall have all the qualities and incidents of, and shall be, a negotiable instrument under, the Uniform Commercial Code of the State of Tennessee, subject only to provisions respecting registration of such note. This note is issued with the intent that the laws of the State of Tennessee shall govern its construction.

It is hereby certified, recited, and declared that all acts and conditions required to be done and to exist precedent to the issuance of, this note in order to make this note a legal, valid, and binding obligation of the Municipality, have been done, and did exist in due time and form as required by the Constitution and statutes of the State of Tennessee; and that this note and the issue of which it is a part, together with all other indebtedness of such Municipality, does not exceed any limitation prescribed by the Constitution or statutes of the State of Tennessee.

IN WITNESS WHEREOF, THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, has caused this note to be signed by the manual or facsimile signatures of the Mayor and the City Recorder and its official seal, or a facsimile thereof, to be impressed or imprinted hereon, all as of \_\_\_\_\_, 2019.

**RESOLUTION NO. 19-1287**

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND ANIMAL CARE TRUST D/B/A MCKAMEY ANIMAL CENTER IN THE AMOUNT OF \$69,990.00 FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, it has been determined that humane education and animal control services provide a benefit to the citizens of the City of Red bank; and

**WHEREAS**, Animal Care Trust d/b/a McKamey Animal Center is one of the agencies in the community that offers control of animals, rabies control, and education concerning animals, to the public; and

**WHEREAS**, it has been determined that it would be in the best interest of the citizens of the City of Red Bank that the Animal Care Trust d/b/a McKamey Animal Center provide benefits to all citizens of the City; and

**WHEREAS**, the Animal Care Trust d/b/a McKamey Animal Center has agreed to provide the services for FY 20120 for the amount of \$69,990.00; and

**WHEREAS**, funds will be budgeted in the FY 2020 budget.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank that the agreement between the City of Red Bank, Tennessee and the Animal Care Trust d/b/a McKamey Animal Center for the provision of humane education and animal control services in the amount of \$69,990.00 be and is hereby approved.

**BE IT FURTHER RESOLVED** that the effective date of this agreement shall be July 1, 2019.

**BE IT FURTHER RESOLVED** that the City Manager is authorized to sign and execute the agreement upon approval by the City Attorney.

Resolved this 16th day of April 2019

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Mayor

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City Recorder

**RESOLUTION NO. 18-1288**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AUTHORIZING AN AGREEMENT WITH JOHNSON, MURPHY AND WRIGHT FOR THE PERFORMANCE OF AN ANNUAL AUDIT BY OUTSIDE INDEPENDENT AUDITORS, IN THE AMOUNT OF \$32,450.00**

**WHEREAS**, the City of Red Bank is required by the State of Tennessee to have an annual audit performed by outside independent auditors; and

**WHEREAS**, the accounting firm of Johnson, Murphy and Wright have been conducting our audits for the past several years and the City of Red Bank desires to have the same firm conduct our audit again this Fiscal Year; and

**WHEREAS**, the amount of this professional services contract for the FY 2019 audit is \$32,450.00; and

**WHEREAS**, funds will be budgeted in the FY 2020 Finance and Administration Operating Budget.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank, Tennessee, that the agreement between the City of Red Bank, Tennessee and Johnson, Murphy and Wright for FY 2019 auditing services in the amount of \$32,450.00 be and is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager is authorized to sign and execute the contract upon approval by the City Attorney.

Resolved this 16th day of April 2019

\_\_\_\_\_  
Mayor

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City Recorder