

TITLE 10**ANIMAL CONTROL****CHAPTER**

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CHAPTER 1**ANIMAL CONTROL – GENERAL PROVISIONS****SECTION**

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10-101. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter unless it is apparent from the context that a different meaning is intended:

(1) "Administrator" means the means the City Manager for the City of Alcoa or a designee authorized by the city manager.

(2) "Animal" means and includes all living creatures, domestic, or wild, including livestock.

(3) "Animal shelter" means an approved facility, public or private, used to confine and house animals which are seized, lost, abandoned or given over by owners.

(4) "Boarding facility" means any person who houses animals for twenty-four (24) hours or more for a fee.

(5) "Domesticated animal" means any animal kept, cared for, sheltered, fed or harbored for use in work, as a pet, or as a source of food, raw material or income.

(6) "Impound" means receiving into custody by the unit or any authorized representative thereof.

(7) "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, puppies, cats or kittens or any other animal

(8) "Livestock" means all farm animals, including but not limited to cattle, horses, pigs, fowl, sheep, goats, and mules.

(9) "Operator" means the operator of the animal shelter.

(10) "Owner" means any person possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal covered by this chapter for a period of seven (7) or more days.

(11) "Person" means any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

(12) "Pet dealer" means any person who engages in the sale of animals to the public, including breeders of animals who sell directly to consumers.

(13) "Pet shop" means any person engaged in the business of breeding, buying, selling at retail or as a broker of animals.

(14) "Police department" means the Alcoa Police Department unless otherwise specifically designated.

(15) "Provoke" or any tense of the word, means any action or activity, whether intentional or unintentional, which may be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.

(16) "Running at large" means any animal which is not confined to its owner's property and not under restraint.

(17) "Stray" means any dog or cat which does not wear a rabies tag and license tag, or which has not had a vaccination within the time period specified in this chapter or any animal which is not cared for, harbored, or maintained according to the provisions of this chapter or other applicable laws.

(18) "Unit" means the animal control unit.

(19) "Vaccination" means the administration by a licensed veterinarian of a rabies vaccine approved by the state department of health at such times as shall be required by the general laws of the state.

(20) "Veterinarian" means a person licensed to practice veterinary medicine in the state.

(21) "Vicious" means an animal with a propensity, tendency, or disposition to attack without provocation, to cause serious injury, or otherwise threaten the safety of human beings or domestic animals. (1971 Code, § 3-101, as replaced by Ord. #07-125, May 2007, and by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-102. Registration of cats and dogs. The display of a valid vaccination tag upon any dog or cat over three (3) months of age or any other animal as required in this title shall serve as registration of the animal for City of Alcoa purposes. It shall be the duty of every owner to provide each registered animal with a collar or harness to which the vaccination tag must be affixed and such owner shall see that the collar or harness is constantly worn. If a vaccination tag is lost or destroyed, the owner shall obtain a replacement tag from the vaccinating veterinarian. In instances where obtaining a replacement tag is not possible or reasonably practical as determined by the chief of police or city manager, the display of a valid certificate of vaccination shall waive the requirements of this section until the expiration of the current vaccination period. (1971 Code, § 3-102, as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-103. Permit required for kennels, boarding facilities, pet shops, or pet dealers. (1) No person may establish or maintain a kennel, boarding facility, pet shop or pet dealership without a permit issued by the administrator, and the administrator shall possess the authority to establish minimum standards for the facilities or quarters where animals are kept. Such

standards may be enforced by way of inspection conducted by the administrator or any animal control or police officer.

(2) It shall be the responsibility of the person operating as a kennel, boarding facility, pet shop or pet dealer to request a permit. The administrator shall have the power to revoke such permit if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of a permit by the administrator shall restrict animal ownership to four (4) animals respectively. A permit fee will be charged. All permits shall be renewed in May of each year. (as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-104. Kennels, boarding facilities, pet shops and pet dealers; required to post certain documents. (1) Every person operating a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control or police officer acting under the authority of §10-136.

(2) Every kennel, boarding facility, pet shop and pet dealer shall post a permit issued by the administrator acknowledging that the facility meets the minimum required standards for housing animals. (1971 Code, § 3-104, as replaced by Ord. #07-125, May 2007, amended by Ord. #18-466, Dec. 2018 *Ch15_12-10-19*, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-105. Animals at large. No person owning or having possession, charge, care, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another, if such animal is not under sufficient restraint as to allow the animal to be controlled. (1971 Code, § 3-105, as replaced by Ord. #07-125, May 2007)

10-106. Restraint of animals. Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that such animal may be off such premises if it is under the control of a competent person and restrained by a chain, leash or other means of visible control. (1971 Code, § 3-106, as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-107. Keeping or possessing livestock. It is unlawful for any person to keep or possess livestock, including pigs and goats, within the city. This section is inapplicable to areas zoned for livestock, provided the owner complies with the conditions set forth in the city zoning ordinance. (1971 Code, § 3-107, as replaced by Ord. #07-125, May 2007 deleted by Ord. #18-466, Dec. 2018 *Ch15_12-10-19*, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-108. Keeping of animals which disturb peace, comfort or health. No person shall keep within the city limits any animal which by reason of frequent or continual noise or unsanitary conditions disturbs the peace, comfort or health of neighbors. (1971 Code, § 3-108, as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-109. Keeping of wild or exotic animals prohibited. (1) No person shall have, sell, keep or maintain any wild, exotic, dangerous or nondomesticated animal within the corporate limits of the city. "Wild, exotic, dangerous or nondomesticated animal" shall be defined to include all animals classified as class 1 animals under Tennessee Code Annotated, § 70-4-403, as amended, and shall also include any wolf-hybrid and the following species of nonvenomous snakes, when such snakes reach six feet (6') in length, unless the owner, seller or keeper of the snake first obtains a permit from the administrator:

- (a) Pythons,
- (b) Boas, or
- (c) Anacondas.

(2) Notwithstanding any provisions of this part to the contrary, the provisions of this section shall have no application to:

- (a) A zoological park accredited by the American Association of Zoological Parks;
- (b) Any veterinary establishment licensed by the state;
- (c) Appropriately accredited colleges, universities or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes;
- (d) Handicapped persons who utilize primates to assist them in their daily activities;
- (e) Persons or entities maintaining such animals within the corporate limits of the city pursuant to a valid permit issued on a temporary basis by the administrator. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-110. Nuisance animals prohibited. (1) Every person responsible for an animal shall keep it from creating a nuisance, and it shall be a violation and a nuisance if an animal:

- (a) Habitually and repeatedly makes noises sufficient to interfere with neighboring residents' reasonable use and enjoyment of their property.
- (b) Is offensive to others due to an odor caused by the animal.
- (c) Repeatedly turns over or rummages through refuse containers, damages flower or vegetable gardens, or causes damage to public property or property of others.

(d) Without provocation, chases or approaches a pedestrian, bicycle rider or vehicle in a menacing fashion or apparent attitude of attack.

(e) Without provocation, attacks or bites a person or other animal.

(f) Impedes refuse collection, mail delivery, meter reading or other public service activities.

(g) Trespasses on property not owned, leased or rented by the person responsible for the animal.

(h) Is maintained in a manner that is dangerous to the health, safety or welfare of the community.

(2) A violation of this section is subject to a fine of fifty dollars (\$50.00), plus court costs and administrative fees. Each act of the animal constitutes a separate offense. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-111. Impoundment of animals running at large. (1) It shall be the duty of any authorized officer to apprehend and impound in an animal shelter any animal found running at large.

(2) An animal wearing a valid vaccination tag shall be held for a period of seven (7) working days from the date of apprehension. Untagged animals shall be held for a period of five (5) working days. "Working days" are defined as days the animal shelter is open.

(3) Any animal not claimed within the times provided in the subsection (2) may be transferred, destroyed or sold. In case of transfer, the owner will be responsible for any fees from the transfer facility in addition to fees incurred pursuant to this title.

(4) The record of the owner, and not the particular animal, for one (1) year prior to the date of the current violation, shall be considered when calculating the number of offenses committed.

(5) Any unaltered animal that has been impounded three (3) times within any twelve (12) month period shall be spayed or neutered within thirty (30) days of release from the shelter. The owner must show proof of the procedure to the division of animal control.

(6) In lieu of apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a citation requiring the owner to appear in city court for determination of whether there has been a violation of § 10-105.

(7) No animal shall be released from impoundment unless and until it has been vaccinated. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-112. Impoundment of uncared for animals. Whenever the unit finds that any animal is or will be without proper care because of injury, illness,

or incarceration of the person responsible for the care of such animal, or because of any other unknown or extended absence of the person responsible for the care of such animal, the unit may impound such animal. In order to reclaim the animal, the owner or owner's representative must demonstrate that the circumstances causing the impoundment to have ceased to exist, and must pay all applicable fees, including any medical fees, prior to the release of such animal from the shelter. Any animal that has been impounded under this part and not reclaimed within ten (10) days of the impoundment or upon a showing that the circumstances causing the impoundment have ceased to exist, whichever is sooner, may be offered for adoption to any member of the public and adopted to such member in accordance with the policies of adoption and after payment of all applicable fees established by the operator. If the animal is not redeemed or adopted, it may be destroyed in a humane manner. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-113. Impounding fees. Impoundment fees are fees set by the City of Alcoa and are for the purpose of deferring cost(s) associated with impounding an animal. Impoundment fees are in addition to any shelter fees collected by the detaining authority after an animal has been turned over for harboring.

The impoundment fees are as follows:

(1) Vaccinated animal wearing a valid tag:

(a) Twenty dollars (\$20.00) for the first offense;

(b) Thirty dollars (\$30.00) for the second offense;

(c) Fifty dollars (\$50.00) for the third offense plus an additional fifty dollars (\$50.00) for every subsequent offense.

(2) Unvaccinated animal or animal not wearing a valid tag:

(a) Thirty dollars (\$30.00) for the first offense;

(b) Forty dollars (\$40.00) for the second offense, and

(c) Fifty dollars (\$50.00) for the third offense plus an additional fifty dollars (\$50.00) for every subsequent offense.

(3) The impoundment of an animal under this title shall be in addition to, and shall not relieve the owner thereof from prosecution for, permitting such animal to run at large in violation of other local or state laws. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-114. Failure to re-claim animal at large. Any owner who has been notified that his or her animal has been impounded and who refuses to pay the impound fee set forth in § 10-113 shall be subject to a penalty for failure to re-claim the animal. In determining the number of prior failures to re-claim, the entire record of the owner with regard to every animal owned will be considered.

The penalty shall be as follows:

(1) First failure to re-claim, thirty dollars (\$30.00).

(2) Second failure to re-claim, forty dollars (\$40.00).

(3) Third and subsequent failures to re-claim, fifty dollars (\$50.00).
(as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019
Ch15_12-10-19)

10-115. Records of impounded animals. The unit shall keep or have access to a record of each impounded animal, the date of receipt of such animal, the date and manner of its disposition and, if redeemed, reclaimed or adopted, the name of the person by whom redeemed, reclaimed or adopted, the address of such person and the amount of all fees received or collected for or because of the impounding, reclaiming or adopting thereof, together with the number of any tag and the date of any license issued upon the redemption or adoption of any such animal. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-116. Authority to trap. It shall be the duty of any animal control officer to set traps for the purpose of carrying out the provisions of this title. Further it shall be unlawful for any person to interfere with an animal control officer while carrying out their duties related to this chapter including; moving, throwing, springing, releasing animals caught in traps or otherwise interfering with traps set by animal control officers. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-117. Authority to destroy animals at large. If any animal found at large in violation of this title cannot be safely taken and impounded, and either poses a threat to a person or the public or is seriously injured, such animal may be destroyed by any police officer or animal control officer. Nothing in this section shall be construed to prevent a police officer or animal control officer from destroying an animal in self-defense. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-118. Cruelty to animals prohibited. (1) A person commits the offense of cruelty to animals by intentionally or knowingly:

- (a) Unreasonably abandoning an animal in the person's custody;
- (b) Unreasonably failing to provide necessary food, water, care or shelter for an animal in the person's custody;
- (c) Strikes, beats, kicks, drags, chokes, or uses an object or weapon to inflict pain upon or to injure an animal;
- (d) Uses of caustic, flammable, boiling or heated substances on an animal;
- (e) Suffocates or drowns an animal;
- (f) Transports or confines an animal in an inhumane manner including, but not limited to, keeping an animal in a vehicle or other type

of conveyance without adequate ventilation and enclosing any animal in the trunk of a vehicle;

(g) Tortures, maims, or mutilates an animal;

(h) Overworks, overdrives or drives an animal when it is overloaded;

(i) Shoots a firearm or other missile-projecting weapon at an animal; wounds, captures, or in any other manner molests, injures, or kills an animal;

(j) Inflicts burns, cuts, or lacerations on an animal by any method;

(k) Fails to provide health related care or grooming of an animal;

(l) Causes an animal, except livestock, to drag any heavy object, including but not limited to, cinder blocks, heavy weights, bricks, chains, or logs; or carrying any other object with the purpose of building up the strength or endurance of an animal; or

(m) Any other act which causes harm or injury to an animal. In the case of activities where physical pain is necessarily caused, such as medical, research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" means a failure to employ the most humane method reasonably available;

(n) Colors, dyes, stains, or otherwise alters the natural color of any animal.

(2) Any person convicted of cruelty to animals shall be subject to a penalty of not less than fifty dollars (\$50.00), plus court costs and administrative fees.

(3) Nothing in this section prevents a person from using reasonable force to drive away a vicious or trespassing animal or to take any action necessary to avoid injury to a person.

(4) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, acceptable standards for legal animal competition, or bona fide experimentation for scientific research.

(5) Minimum care. No person owning or keeping an animal shall fail to provide it with the minimum care, nor shall such person keep an animal under unsanitary conditions or in a shelter or an enclosure that is overcrowded, unclean or unhealthy. Except for emergencies or circumstances beyond the owner's control, an animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal. Minimum care includes but is not limited to, the following requirements:

(a) Food of sufficient quantity, quality and nutrition to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

(c) Access to a well-constructed shelter, barn, doghouse, or other shelter sufficient to protect the animal from the elements. Such shelter must be placed in a dry area free of debris, feces, and standing water.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) A shelter or an enclosure is unclean when it contains an excessive amount of animal waste.

(f) A shelter or an enclosure is unhealthy when its condition is likely to cause illness or injury to the animal.

(6) Impoundment. (a) Whenever any animal is a victim of cruelty or otherwise deprived of minimum care as required by this section, it shall be the duty of the administrator or any animal control or police officer to enter such building or premises to take possession of and impound such animal. Such entry shall be affected in accordance with § 10-136. The administrator or any animal control or police officer shall issue a court citation to the owner of the animal or to the appropriate person who is responsible for any such inhumane animal treatment.

(b) Any animal confiscated under this section may be taken to a veterinarian for immediate treatment, and any expenses incurred for veterinary care and treatment shall be the responsibility of the owner.

(c) An animal taken into custody under this section may be humanely disposed of at the discretion of the administrator seven (7) days after the animal is taken into custody. Any person claiming an interest in any animal in custody under this section may prevent disposition of the animal by posting a bond or security in an amount sufficient to provide for the animals care and keeping for at least thirty (30) days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the administrator may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The court is authorized to require a bond in the amount necessary to protect the administrator from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal under this section shall give notice of this section by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-119. Abandonment. (1) It shall be unlawful for any person to abandon an animal that is under the person's ownership or care. If an animal is found abandoned, the animal may be impounded. Abandonment consists of:

(a) Leaving an animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water and check on the animal's condition;

(b) Leaving an animal by a roadside or other area; or

(c) Leaving an animal on either public or private property without the property owner's consent.

(2) Any person convicted of violating this section shall be subject to a fine of not less than fifty dollars (\$50.00), plus court costs and administrative fees. Each animal abandoned is a separate violation. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-120. Poisoning or trapping animals. It shall be unlawful for any person to poison or to 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 point or place outside of buildings within the corporate limits of the city where dogs, cats or other domesticated 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 approved by the board may be used. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-121. Chasing, fighting, or racing. It shall be unlawful for any person to set free any animal within the city limits for the purpose of chasing, fighting or having a race thereafter. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-122. Reckless riding or driving. It shall be unlawful for any person to run, drive or ride any animal in a reckless, disorderly or careless manner through or over any of the streets or property of the city. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-123. Animal waste. The owner of any animal shall remove any excreta deposited by their animal on public walks, recreation areas, public streets or private property other than the premises of the owner of the animal, except where attendants are employed for the purpose of removing the deposits, such as would be the case in a horse show arena, parade or other such event or establishment. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-124. Animal exhibitions. No person shall show or exhibit any animal in any of the streets of the city or at any location within the limits of the city, unless an exhibition permit has been obtained from the administrator. Any approved show, event or exhibition must have a veterinarian immediately available during performances which are open to the public. A permit fee will be charged. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-125. Prohibition against sale or gift of animals under certain conditions. (1) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits, or to sell such animals after their natural color has been altered.

(2) It shall be unlawful for any person to give away animals as premiums, toys, prizes or novelties. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-126. Prohibition against sale or gift of animals in certain places. It shall be unlawful for any person to sell or give away any animal on the city streets, sidewalks, outdoor commercial areas, specifically including parking lots, or public property within the municipal boundaries of the city. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-127. Animals on school grounds. It shall be unlawful for any owner, or any other person having an animal under his or her care or control to take, allow, or let such animal upon the grounds, property, or premises of any public school operated by the Alcoa School System unless such person shall first have obtained written permission from the director of schools or the director's designee. This section is not applicable to any law enforcement animal, medical services animal or service animal. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-128. Pet dogs in outdoor dining areas at restaurants.

(1) Definition of "pet dog." For purposes of this section, "pet dog" means a dog other than a service animal as defined by the United States Department of Justice in 28 C.F.R. 36.104 and does not include dogs in training to be service animals that are under the control of a credentialed service animal trainer.

(a) No pet dog shall be present in the interior of any restaurant or in any area where food is prepared;

(b) The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog otherwise is behaving in a manner which

compromises or threatens to compromise the health or safety of any person present in the restaurant;

(c) Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment. All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling a pet dog;

(d) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations;

(e) Patrons shall keep their pet dogs on a leash at all times and keep their pet dogs under reasonable control;

(f) Pet dogs shall not be allowed on chairs, tables or other furnishings;

(g) Accidents involving pet dog waste shall be cleaned immediately by the person who brought the pet dog upon the premises and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;

(h) A sign or signs reminding employees and patrons of the applicable rules shall be posted in a visible location upon the premises of the outdoor dining area. The restaurant owner shall erect a sign at the appropriate location within the restaurant stating: "Only service animals permitted beyond this point."

(2) Permit fee. (a) Any restaurant owner and/or proprietor wishing to obtain a permit authorizing pet dogs in outdoor dining areas shall pay a permit fee and shall complete an application for such permit in the business office of the city. The application shall request such information as deemed appropriate by the finance director, including, but not limited to, the names and contact information for at least one (1) person responsible for management of the business during all hours when the business is open to the public. The application also shall contain a certification that the applicant is aware of all laws, ordinances, rules and regulations pertaining to permitting dogs to be in outdoor dining areas, together with an affirmative statement to be signed by the applicant verifying that the applicant shall abide by all such laws, ordinances, rules and regulations at all times. Educational information including, but not limited to, Department of Justice White Paper, shall be distributed to applicants for a permit.

(b) Any applicant/permittee shall fully cooperate with any governmental entity having responsibility for enforcement of title 53,

chapter 1 of the Tennessee Code, and any other applicable statutes and ordinances.

(c) Revocation of permit. Any violation of this part by the holder of the permit shall, upon conviction, result in a fine not to exceed fifty dollars (\$50.00) for each offense plus court costs and administrative fees, and shall also subject the permit holder to revocation of the permit.

(3) Enforcement. Any person in violation of this section will be subject to a fine of fifty dollars (\$50.00), plus any court costs and fees adjudged in city court. Obligations imposed by this chapter on the owner of or person responsible for a pet dog shall be enforced against the owner or the person responsible for the dog. Obligations imposed by this ordinance on the restaurant or the employees thereof shall be enforced against the manager of the restaurant. Obligations that may reasonably be construed as being imposed against either the owner of or person responsible for a pet dog, or the restaurant or the employees thereof, may be enforced against the owner of or person responsible for the pet dog, or the manager of the restaurant, or both. Each act in violation of this section constitutes a separate offense punishable by a fine of fifty dollars (\$50.00) plus court costs and administrative fees. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-129. Citation; assessment of fines. (1) Generally. In discharging their duties under this title, the administrator or any animal control or police officer is hereby empowered to issue citations to any person if there is reasonable cause to believe that such person has violated any of the provisions of this title. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he or she cannot be readily found. Any notice or citation so delivered or mailed shall direct the alleged violator to appear at the municipal court of the city on a specific day and at a specific hour stated in the notice; and the time so specified shall be not less than seventy-two (72) hours after its delivery to the alleged violator. Failure to accept delivery shall constitute delivery as of the date of return of the notice. All cases of citations for violation of any of the provisions of this title shall be tried in the municipal court. The judge of the municipal court shall assess fines or other penalties against any person convicted of violating any of the provisions of this title, and if a fine is imposed, it shall not be more than fifty dollars (\$50.00) for each violation upon which a judgment is rendered, plus all court costs and fees.

(2) Recordkeeping requirements. The city court clerk shall be responsible for all city court record keeping, otherwise the unit shall be responsible for the maintenance of its records.

(3) Failure to appear. If an alleged violator of any section of this title does not appear in municipal court at or before the day and hour named in the notice, the alleged violations will be adjudged guilty and assessed any applicable

fees and costs. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-130. Citation procedure for violations of this title. Whenever the administrator, an animal control officer, or law enforcement officer determines there has been a violation of any of the provisions in this title, they may issue a citation to appear in city court. The citation shall include the name and address of such person, the offense charged, and the date and time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of the issuance to appear, unless the person cited agrees to a shorter time period. The cited person shall sign one (1) copy of the notice to appear. Signing the citation shall constitute the cited person's promise to appear on the date specified in the notice. One (1) copy of the citation shall be delivered to the cited person. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-131. Interference with officers, violation of orders. It shall be unlawful for any person to interfere with or hinder any animal control officer or any police officer while such officer(s) are in the performance of their duties prescribed in accordance with title 10. It shall further be unlawful for any person to violate any orders issued by an animal control officer or police officer regarding the seizure, impoundment or confinement of an animal as provided herein. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-132. Failure to obey animal control citation. No person shall violate his or her written promise to appear provided for in § 10-131, regardless of the disposition of the charge for which the citation was originally issued. Failure to appear is a separate charge from the original citation and carries a fine of fifty dollars (\$50.00). (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-133. Acceptance of guilty pleas and penalties for animal control violations. The city court clerk is hereby authorized to accept pleas of guilty for violations of this title, to accept designated penalties in connection with such pleas, and to issue receipts therefore, all in accordance with such procedures as may be established by the judge of the city court. Such fines and costs shall be accepted upon the entry of any plea of guilty before the court clerk. The amount of such penalty to be accepted shall be so designated by rule of court promulgated by the judge of the city court; provided that no such penalty may be accepted for a sum less than the minimum imposed by any section of this title for such offense. Any person given a citation for a violation of any provision of this title may post the penalty appropriate thereto and notify the clerk of the city court that he or she will not appear for trial in which case the matter may

be entered on the docket for trial. Court costs as set forth by the city will be collected in addition to any other penalties on all citations issued under title 10. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-134. Collection and disposition of fees. All fees required by this title shall be collected as required and shall be deposited as required by law.

10-135. Penalties. Any person violating any provision of this title, unless the penalty is specified in the section, shall be punished by a penalty not to exceed fifty dollars (\$50.00) plus court costs and administrative fees. Each day a violation exists shall be deemed a separate violation. (as added by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-136. Inspections; warrant for entry. (1) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this title 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 title or other applicable law, the administrator or any animal control or police officer is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this title 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, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor;

(b) If such property is unoccupied, he 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 entry, explaining his reasons therefor; 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 administrator, animal control or police officer shall obtain a warrant to conduct a search of the property.

(2) Notwithstanding any other provision of this chapter, the administrator or any animal control or police officer shall have the authority to enter upon any property to enforce the provisions of this chapter if a violation of such law is being committed in the presence of the administrator or officer. (as added by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-137. Severability. If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity

of the remaining portions of this title. (as added by Ord. #19-470, June 2019
Ch15_12-10-19)

CHAPTER 2

RABIES CONTROL

SECTION

- 10-201. Vaccination of animals.
- 10-202. Apprehension and disposition of rabid animals and suspects.
- 10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid.
- 10-204. Quarantine of animals in contact with rabid animals.
- 10-205. Report required when person bitten by an animal.
- 10-206. Veterinarians to report result of examination of animal that has bitten a person.
- 10-207. Forwarding of head to state health department.
- 10-208. Surrender and examination of carcasses of animals.
- 10-209 – 10-216. [Deleted.]

10-201. Vaccination of animals. (1) It shall be unlawful for any person to own, keep, or harbor any dog or cat, or other animal that requires vaccination for rabies, which has not been vaccinated against rabies as required by state law.

(2) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be re-vaccinated, description and sex of the animal vaccinated, type and lot number of the vaccine administered and the license number of the veterinary clinic administering the vaccine.

(3) All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee. (1971 Code, § 3-201, as replaced by Ord. #-7-125, May 2007)

10-202. Apprehension and disposition of rabid animals and suspects. Any animal capable of being infected with rabies, which is rabid or believed to be rabid, shall be immediately reported to the police department. Such animal shall be taken up and impounded if this can be accomplished with safety. If it is necessary for the city to destroy the animal to prevent further biting or for the safety of the community, every effort shall be made to avoid damage to the brain. (1971 Code, § 3-202, as replaced by Ord. #07-125, May 2007)

10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid. (1) Any animal that is suspected of or has bitten a human being, or is suspected of being infected with rabies shall be quarantined at a facility designated by the City of Alcoa for no

less than ten (10) days from the time the bite or scratch occurred. The owner shall be responsible for all quarantine fees and costs.

(2) No animal that is suspected of or has bitten a human being or is suspected of being infected by rabies shall be killed or destroyed or removed from the city unless authorized by the City of Alcoa.

(3) Only animals that appear to be without rabies shall be released from quarantine or impoundment.

(4) No person shall hide, kill, conceal or aid or assist in hiding, killing, or concealing any animal suspected of being infected with rabies or permit the same to be removed from the city for the purpose of preventing the quarantine. (1971 Code, § 3-203, as replaced by Ord. #07-125, May 2007)

10-204. Quarantine of animals in contact with rabid animal. All animals capable of being infected with rabies that have come in contact with a rabid animal shall be quarantined and vaccinated as follows:

(1) If no vaccination for rabies has been given within the previous twelve (12) months, the animal shall be vaccinated and quarantined for ninety (90) days.

(2) If the animal has been vaccinated for rabies within the previous twelve (12) months, the animal shall be revaccinated and quarantined for thirty (30) days. (1971 Code, § 3-204, as replaced by Ord. #07-125, May 2007)

10-205. Report required when person is bitten by an animal. Whenever a person is bitten by an animal capable of being infected with rabies, prompt report of such bite shall be made to the police department. Such report shall be made by any physician attending the person bitten, or, if such person is at a hospital, the report shall be made by the person in charge. Such report shall contain all information required by the division of animal control. When a physician was not consulted or the person not taken to a hospital, the report shall be made by the person bitten or any other person with knowledge of the facts. (1971 Code, § 3-205, as replaced by Ord. #07-125, May 2007)

10-206. Veterinarians to report result of examination of animal that has bitten a person. Whenever a veterinarian is called upon to examine an animal capable of transmitting rabies that has bitten a person, the veterinarian shall promptly report the results of the examination to the division of animal control. (1971 Code, § 3-206, as replaced by Ord. #07-125, May 2007)

10-207. Forwarding of head to state health department. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the division of animal control shall send the head of such animal to the state health department for pathological examination. (1971 Code, § 3-207, as replaced by Ord. #07-125, May 2007)

10-208. Surrender and examination of carcasses of animals. The carcass of any dead animal found within the city shall, upon demand, be surrendered to the division of animal control for examination if, in the opinion of an animal control officer, such examination is necessary or advisable. (1971 Code, § 3-208, as replaced by Ord. #07-125, May 2007)

10-209--10-216. [Deleted.] (1971 Code § § 3-209--3-216, as deleted by Ord. #07-125, May 2007)

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition.
- 10-302. Vicious dogs prohibited.
- 10-303. Requirements for keeping a vicious dog.
- 10-304. Impoundment.
- 10-305. Notice of impoundment.
- 10-306. Exceptions.
- 10-307. Change of status.
- 10-308. Change of ownership.
- 10-309. Guard dogs.
- 10-310. Dog fighting.
- 10-311. Penalties.

10-301. Definition. "Vicious dog" means: (1) Any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which, without provocation, has attacked or bitten a human being or domestic animal; or

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting. (as added by Ord. #07-125, May 2007)

10-302. Vicious dog prohibited. (1) It shall be unlawful for any person to keep or harbor a vicious dog within the corporate city limits of the City of Alcoa unless said vicious dog is confined. Dogs maintained as guard dogs in compliance with the provisions of § 10-309 hereof shall be excluded from the provisions of this section.

(2) If any vicious dog is impounded, any authorized officer may institute proceedings in the City of Alcoa Municipal Court against the owner charging the owner with violation of this chapter. Nothing in this section shall be construed as preventing appropriate authorities of the City of Alcoa or a complaining citizen from instituting a proceeding in the City of Alcoa Municipal Court for violation of this chapter where there has been no impoundment.

(3) If a complaint has been filed in the City of Alcoa Municipal Court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and cost under this chapter, including penalties for violating this chapter.

Nothing in this section shall be construed to require a dog to be declared vicious prior to taking action under state law. (as added by Ord. #07-125, May 2007)

10-303. Requirements for keeping a vicious dog. (1) Confinement. All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The pen or structure shall have minimum dimensions of five (5) feet in width and length by ten (10) feet in height and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. All pens or structures must be kept clean and sanitary. The enclosure must provide shelter and protection from the elements and must provide adequate exercise room, light and ventilation. For purposes of this section, an underground fence system is insufficient confinement. Under no circumstances may more than one (1) vicious dog be kept in any one pen or structure.

(2) Indoor confinement. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the structure on its own volition. In addition, no vicious dog may be kept in a house or structure when open windows or screen doors are the only obstacle preventing the dog from exiting the house or structure.

(3) Number of vicious dogs per residence. Only one (1) vicious dog may be owned per residence.

(4) Leash and muzzle. The owner of a vicious dog shall not allow the dog to go outside its kennel, pen, or structure unless the dog is muzzled, under the physical control of a capable adult, and restrained by a leash not more than four (4) feet in length, which shall be bright yellow in color, and of sufficient strength to control the dog. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human being or animal.

(5) Signs. The owner of a vicious dog shall display, in a prominent place on the owner's premises, a clearly visible warning sign reading "Beware of Vicious Dog." The sign shall be legible from the driveway entrance or street. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen or structure. The sign shall be at least twelve (12) inches by twelve (12) inches in size.

(6) Insurance. The owner of a vicious dog shall obtain public liability insurance of at least one hundred thousand dollars (\$100,000.00), per dog, insuring the owner for any damage or personal injury that may be caused by his vicious dog. The policy shall contain a provision requiring the city to be notified immediately by the agent issuing the policy in the event that the policy is canceled, terminated or expired. The owner must provide proof of the insurance to the division of animal control. If there is a lapse in insurance or a

cancellation, the owner shall be in violation of this chapter. (as added by Ord. #07-125, May 2007)

10-304. Impoundment. When a dog has severely attacked a human being or domestic animal and a police officer or animal control officer witnessed the attack or witnessed the injuries caused by the attack, or when a police officer or animal control officer witnesses any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals showing those tendencies, or any dog owned or harbored primarily or in part for the purpose of dog fighting, such dog shall be immediately impounded. (as added by Ord. #07-125, May 2007)

10-305. Notice of impoundment. Within five (5) days of impoundment of a dog under § 10-304, the division of animal control shall notify the dog's owner, if known, in writing of the impoundment. (as added by Ord. #07-125, May 2007)

10-306. Exceptions. (1) This section shall not apply to any dog used by the police department or law enforcement agencies.

(2) No dog shall be considered vicious solely based on injury or damage sustained by a person who was entering the owner's property to commit burglary, robbery, assault, willful trespass or other tort or crime.

(3) No dog shall be considered vicious solely based on injury or damage sustained by a person who was teasing, tormenting, abusing, assaulting, or otherwise provoking the dog.

(4) No dog shall be considered vicious solely because it bites or attacks:

(a) A person assaulting its owner, excluding a police officer attempting to subdue or effect the arrest of a suspect; or,

(b) An unrestrained animal that attacks it or its young while it is restrained in compliance with this chapter. (as added by Ord. #07-125, May 2007)

10-307. Change of status. The owner of a vicious dog shall notify the division of animal control:

(1) Immediately if the vicious dog is unconfined and on the loose, or has attacked a human being or domestic animal without provocation;

(2) If the owner has moved outside of the city limits and shall give the owner's address; or,

(3) If the dog has died. (as added by Ord. #07-125, May 2007)

10-308. Change of ownership. (1) If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog, the owner shall,

within three (3) days, provide the division of animal control with the name, address, and telephone number of the new owner.

(2) The previous owner shall notify the new owner of the dog's designation as a vicious dog and, if the new owner resides within the city limits, of the requirements and conditions for keeping a vicious dog set forth in § 10-303.

(3) If the new owner resides within the city limits, the new owner must obtain the required enclosure prior to the acquisition of the vicious dog or confine the dog indoors.

(4) The new owner must fully comply with the provisions of this section, including obtaining liability insurance, prior to the acquisition of the vicious dog. (as added by Ord. #07-125, May 2007)

10-309. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs within the city limits of the City of Alcoa for the protection of persons or property unless:

(1) The guard dog shall either be (a) confined or (b) under the absolute control of a handler at all times when not confined; and

(2) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. Such signs shall be in lettering clearly visible from either the curblineline or a distance of fifty (50) feet whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-fours (24) hours a day. (as added by Ord. #07-125, May 2007)

10-310. Dog fighting. (1) No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.

(2) No person shall permit a dogfight to take place upon their premises or premises within their control.

(3) No person shall knowingly be a spectator at a dogfight.

(4) Any dog found on the premises of the dogfight or in the immediate vicinity shall be impounded.

(5) A conviction under this section shall not relieve a person from prosecution for cruelty to animals under § 10-118. (as added by Ord. #07-125, May 2007)

10-311. Penalties. Any person violating the provisions of § 10-303 upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. Further any violation of § 10-303 will subject the person to penalties under § 10-304. (as added by Ord. #07-125, May 2007)

CHAPTER 4**SERVICE ANIMALS****SECTION**

10-401 Defined.

10-401. Defined. Nothing in this title shall be construed to restrict the use of service animals. The term "service animals" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability as defined by the Americans with Disabilities Act. (as added by Ord. #07-125, May 2007)