

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

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2. DOGS.
3. GRAZING FOR KUDZU ERADICATION.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
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- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Commercial riding stables prohibited.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1976 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within three hundred (300) feet of any residence, place of business, or public street, without a permit from the city. The city shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. Provided that, swine may be kept within the corporate limits at any recognized stock show for a duration of not more than one week, or when such animals are kept at a licensed slaughter house or recognized stockyard for not more than four days. Provided further that such swine shall be kept not less than five hundred (500) feet from any street, park, playground, school, church or similar activity or any residential building, business or industrial enterprise. (1976 Code, § 3-102, modified)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1976 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1976 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1976 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1976 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal, including cats or other domestic animals as defined in Tennessee Code Annotated, § 39-14-201(3), found to be at large and/or trapped by an animal control officer, police officer, or any other city employee, or by the general public, may, upon seizure or taking custody of any animal under this provision, shall transport said animal(s) to the Sevier County Humane Society Animal Shelter, or such other shelter as designated by the city manager from time to time. The Sevier County Humane Society, incorporated under the laws of the State of Tennessee, as a corporation for the prevention of cruelty to animals, may under the statutes of the State of Tennessee, as they apply to Societies for the Prevention of Cruelty to Animals – Powers, Tennessee Code Annotated, § 39-14-210(c)(2), humanely euthanize, or cause to be euthanized, any animal found abandoned or otherwise as stated in said statute, after a holding period of not less than seventy-two (72) hours.

The Sevier County Humane Society will make every effort to locate the owners of lost animals that come into their custody, that are bearing identification, by holding them for five (5) days, and notifying the owners listed on the identification device, by certified mail, prior to the final disposition of said animal.

Nothing herein shall require the destruction of stray animals, unless so ordered by health officials for the purpose of rabies or other disease control concerns. Otherwise, the Sevier County Humane Society reserves the right to seek responsible homes for stray animals that enter into their care, following the

holding period for stray animals as prescribed above. (1976 Code, § 3-107, as replaced by Ord. #2287, March 2003)

10-108. Commercial riding stables prohibited. Commercial riding stables are not permitted within the city limits of the City of Gatlinburg. (as added by Ord. #2270, July 2002)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Penalties.
- 10-209. Unlawful for dogs to defecate on public streets and sidewalks and in public parks.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the “Tennessee Anti-Rabies Law” (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1976 Code, § 3-201, modified)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1976 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1976 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1976 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1976 Code, § 3-205)

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the city or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1976 Code, § 3-206, modified)

10-207. Seizure and disposition of dogs. Dogs, or other domestic animals as defined in Tennessee Code Annotated, § 39-14-201(3), found to be at large and/or trapped by an animal control officer, police officer, or any other city employee, or by the general public, may, upon seizure or taking custody of any animal under this provision, shall transport said animal(s) to the Sevier County Humane Society Animal Shelter, or such other shelter as designated by the city manager from time to time. The Sevier County Humane Society, incorporated under the laws of the State of Tennessee, as a corporation for the prevention of cruelty to animals, may under the statutes of the State of Tennessee, as they apply to Societies for the Prevention of Cruelty to Animals – Powers, Tennessee Code Annotated, § 39-14-210(c)(2), humanely euthanize, or cause to be euthanized, any animal found abandoned or otherwise as stated in said statute, after a holding period of not less than seventy-two (72) hours.

The Sevier County Humane Society will make every effort to locate the owners of lost animals that come into their custody, that are bearing identification, by holding them for five (5) days, and notifying the owners listed on the identification device, by certified mail, prior to the final disposition of said animal.

Nothing herein shall require the destruction of stray animals, unless so ordered by health officials for the purpose of rabies or other disease control concerns. Otherwise, the Sevier County Humane Society reserves the right to seek responsible homes for stray animals that enter into their care, following the holding period for stray animals as prescribed above. (1976 Code, § 3-207, as replaced by Ord. #2287, March 2003)

10-208. Penalties. Any person violating any of the provisions of this chapter, shall upon conviction thereof, be subject to a civil penalty of up to five hundred dollars (\$500.00) for each and every offense. (1976 Code, § 3-208, modified)

10-209. Unlawful for dogs to defecate upon public streets and sidewalks and in public parks. It shall be unlawful for dogs to defecate on the public streets and sidewalks and in public parks in the City of Gatlinburg. The owner, or any person having the care, custody or control (if not the owner) of any dog that violates this chapter shall be liable to a fine as provided in § 10-208 of this chapter. There shall be a presumption that any dog bearing an identification tag is owned and controlled by the person whose name appears on such tag. It is further presumed that any person having the care, custody or

control of any dog violating this chapter is the owner of said dog if the dog has no identification. (1976 Code, § 3-209)

CHAPTER 3

GRAZING FOR KUDZU ERADICATION

SECTION

- 10-301. Purpose.
- 10-302. Permit required.
- 10-303. Permit duration.
- 10-304. Permit application.
- 10-305. Enclosure.
- 10-306. Animal and site management.

10-301. Purpose. The purpose of this chapter is to establish regulations for the temporary use of goats and sheep in the eradication of invasive plant species such as Kudzu, within the City Limits of Gatlinburg. (as added by Ord. #2545, May 2020 *Ch14_03-23-22*)

10-302. Permit required. It shall be unlawful for any property owner to conduct prescribed grazing on any lot within the City of Gatlinburg without first obtaining a permit from the city administration. (as added by Ord. #2545, May 2020 *Ch14_03-23-22*)

10-303. Permit duration. Temporary permits for prescribed grazing shall be limited to periods not to exceed thirty (30) consecutive days from the time of issuance and only three (3) permits shall be issued on any given lot within a calendar year. (as added by Ord. #2545, May 2020 *Ch14_03-23-22*)

10-304. Permit application. Prior to issuance of a permit, a temporary grazing permit application must be submitted by the property owner and/or person legally responsible for the property. The application must contain the following information:

- (1) The property owner's name and contact information.
- (2) The subject property's street address and/or property tax identification number.
- (3) Name and contact information of any person (if not the owner) responsible for the animals being used on the property for the prescribed grazing period.
- (4) The size of property and estimated square footage of grazing area.
- (5) A description of the type and number of animals that will be used during the grazing period.
- (6) A hold harmless agreement shall be provided by the property owner releasing the city from liability in the issuance of a temporary prescribed grazing permit. (as added by Ord. #2545, May 2020 *Ch14_03-23-22*)

10-305. Enclosure. The proposed area for which the temporary prescribed grazing permit has been issued must be fully enclosed and secured with proper fencing. Fencing may be permanent or temporary and may be permitted to be electrified with the installation of proper warning signage noting the hazard. All warning signs shall be placed in a conspicuous place clearly visible from all adjoining public right-of-way areas and may not exceed four (4) square feet in size. **No barbed wire fencing shall be used for the enclosures.** In lieu of an enclosure, alternative means of securing the animals may be permitted; provided the applicant can show that the alternative is a safe and effective means by which to limit the animal to the property. (as added by Ord. #2545, May 2020 *Ch14_03-23-22*)

10-306. Animal and site management. The owner and/or persons responsible for the animals shall be responsible for the health and wellbeing of any animals used in the prescribed grazing activities including, but not limited to, any veterinary treatment necessary to keep the animal healthy and free from injury. All animal food supply shall be stored and kept in a manner not to attract other wildlife and disease carrying vermin. All sites shall be kept clean and managed in a way as to not create obnoxious odors, health, and/or sanitation problems for the animals and any adjoining properties. Reasonable care must be taken to prevent erosion and water runoff especially in areas immediately adjacent to creeks, streams and rivers. (as added by Ord. #2545, May 2020 *Ch14_03-23-22*)