

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. DOGS AND CATS.
2. DANGEROUS AND VICIOUS ANIMALS.
3. KEEPING OF LIVESTOCK AND POULTRY FOWL.
4. ANIMAL TETHERING.

CHAPTER 1

DOGS AND CATS

SECTION

- 10-101. Rabies vaccination and registration required.
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 10-106. Confinement of dogs suspected of being rabid.
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10-101. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat 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 *et seq.*) or other applicable law. (1996 Code, § 10-101, modified)

10-102. 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. (1996 Code, § 10-102)

10-103. Running at large prohibited.² It shall be unlawful for any person to permit any dog owned by him or under his control to run at large within the corporate limits. (1996 Code, § 10-103)

¹Wherever this title mentions dogs it pertains to dog and cats.

²State law reference

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

10-104. 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 provide reasonably for the protection of other animals and persons. (1996 Code, § 10-104)

10-105. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1996 Code, § 10-105)

10-106. 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 health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1996 Code, § 10-106)

10-107. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of commissioners. If said dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of commissioners, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it may be summarily destroyed by the health officer or any police officer.¹ (1996 Code, § 10-107)

10-108. Violations and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see *Darnell v. Shapard*, 156 Tenn. 544, 3 S.W.2d 661 (1928).

CHAPTER 2

DANGEROUS AND VICIOUS ANIMALS

SECTION

- 10-201. Definitions.
- 10-202. Keeping of dangerous animals prohibited.
- 10-203. Dangerous animals; exceptions.
- 10-204. Seizure, impoundment and disposition of dangerous animals.
- 10-205. Keeping of vicious animals prohibited.
- 10-206. Vicious animals; exceptions.
- 10-207. Seizure, impoundment and disposition of vicious animals.
- 10-208. Violations and penalty.

10-201. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this chapter.

(1) "Dangerous animal" means:

(a) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so; and

(b) The following animals shall be deemed to be dangerous animals per se: (1) Drills and Mandrills (genus *Mandrillus*); (2) Baboons (genus *Papio*); (3) Gelada Baboons (genus *Theropithecus*); (4) Leopards; (5) Jaguars; (6) Tigers; (7) Lions; (8) Bears; (9) Poisonous Reptiles not native to Tennessee; (10) Llamas (*Lama Peruana*); (11) Bison (*bonasus* and *Bisonbison*); (12) Primates not otherwise classified; (13) Camels (*Camelus bactrians* and *Camelus dromedarius*); (14) Alpacas; (15) Guanacos; (16) Mouflon Sheep; (17) White-Tailed Deer; (18) Black Bears; (19) Bobcats; (20) Cougars; (21) Wild Turkeys; (22) Monk and Black Hooded Parakeets; (23) Wolves; (24) Coyotes; (25) Foxes; (26) Badgers; (27) Wolverines; (28) Weazles; (29) Skunks; (30) Mink; (31) Bats; (32) Alligators and Crocodiles; (33) Piranhas; (34) Fighting game chickens and fighting game roosters.

(2) "Vicious animal" means any animal except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities presently or by past conduct including such that said animal:

(a) Has bitten or clawed a person or persons on two (2) separate occasions within a twelve (12) month period;

(b) Did bite or claw once causing injuries above the shoulders of a person;

(c) Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or

(d) Has attacked any domestic animal or fowl on three (3) separate occasions within a twelve (12) month period. (1996 Code, § 10-201)

10-202. Keeping of dangerous animals prohibited. No person shall keep, shelter or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter or harbor such animal for any other purpose or in any other capacity within the Town of Kingston Springs, except as provided in § 10-203 of this code. (1996 Code, § 10-202)

10-203. Dangerous animals; exceptions. The prohibition contained in § 10-202 of this code shall not apply to the keeping of dangerous animals in the following circumstances.

(1) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(2) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

(3) The keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment.

(4) The keeping of dangerous animals by a wildlife rescue organization with an appropriate permit from the Town of Kingston Springs.

(5) Any dangerous animals under the jurisdiction of and in possession of the Tennessee Wildlife Resources Agency or the Tennessee Department of Conservation. (1996 Code, § 10-203)

10-204. Seizure, impoundment and disposition of dangerous animals. (1) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such an animal may, and in the discretion of the town manager or his or her designee, be destroyed if it cannot be confined or captured. The Town of Kingston Springs shall be under no duty to attempt the confinement of a dangerous animal found at large, nor shall it have a duty to notify of such animal prior to its destruction.

(2) Upon the complaint of an individual that a person is keeping, sheltering or harboring a dangerous animal per se on premises in the Town of Kingston Springs, the town manager shall cause the matter to be investigated, and after investigation, the facts indicate the person named in the complaint is keeping, sheltering, or harboring a dangerous animal per se in the town, the town manager shall immediately cause the animal to be seized. An animal so

seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period the individual keeping, sheltering or harboring such dangerous animal per se has not petitioned the board of commissioners seeking return of such dangerous animal per se, the town manager shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner.

(3) Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal other than a dangerous animal per se on premises in the Town of Kingston Springs, the town manager shall cause the matter to be investigated, and if after investigation, the facts indicate the person named in the complaint is keeping, sheltering or harboring such a dangerous animal in the corporate limits, the town manager shall order the person named in the complaint to safely remove such animal from the Town of Kingston Springs, permanently place the animal with an organization or group allowed in this chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such an order. Such order shall be contained within a notice to remove the dangerous animal, which shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order or notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the town manager shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without serious physical harm or death to any person.

(4) The order to remove a dangerous animal other than a dangerous animal per se issued by the town manager may be appealed to the board of commissioners. In order to appeal such order, written notice of appeal must be filed with the town manager within three (3) days after the receipt of an order contained in a notice to remove dangerous animal. Failure to file such written notice and appeal shall constitute a waiver of right to appeal the order of the town manager.

(5) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town hall. Such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The hearing may be confirmed for good cause. After such hearing, the board of commissioners may affirm or reverse the order of the town manager. Such determination shall be contained in a written decision and shall be filed with the town manager within three (3) days after the hearing, or any continued session thereof.

(6) If the board of commissioners affirm the action of the town manager, the board shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the town, permanently place such animal with an

organization or group allowed under this chapter of this code to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as notice of removal. If the original order of the town manager is not appealed and is not complied with within three (3) days or the order of the board of commissioners after appeal is not complied with within three (3) days of its issuance, the town manager or his or her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of impoundment period, the individual or entity against whom the decision and order of the town manager or board of commissioners was issued has not petitioned the Chancery Court for Cheatham County, Tennessee for a review of said order, the town manager shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the town manager issued pursuant hereto and not appealed, or of the board of commissioners after appeal, shall constitute a misdemeanor offense and that person shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) per each offense. Each day such violation shall continue shall constitute a separate offense. (1996 Code, § 10-204)

10-205. Keeping of vicious animals prohibited. No person shall keep, shelter or harbor for any reason within the town a vicious animal so defined herein, except as provided in § 10-206 of this code. (1996 Code, § 10-205)

10-206. Vicious animals; exceptions. The prohibition contained in § 10-205 of this code shall not apply to the keeping of vicious animals in the following circumstances.

- (1) Animals under the control of a law enforcement or military agency.
- (2) The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of §§ 10-205 and 10-207 of this code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "vicious dog," or words of similar import, and the owner of such premises shall inform the town manager that a guard dog is on duty at said premises. (1996 Code, § 10-206)

10-207. Seizure, impoundment and disposition of vicious animals.

- (1) The town manager or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the town manager or his or her designee. The person, firm, or corporation owning,

keeping, sheltering, or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the town or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(2) If, after hearing, the town manager or his or her designee determines that an animal is vicious, the town manager or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the town, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the town manager or his or her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the town manager or his or her designee was issued has not appealed such order to the board of commissioners, the town manager or his or her designee shall cause the animal to be destroyed.

(3) The order to remove or destroy a vicious animal issued by the town manager or his or her designee may be appealed to the board of commissioners. In order to appeal such order, written notice of appeal must be filed with the mayor within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the town manager or his or her designee.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town hall. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the board of commissioners may affirm or reverse the order of the town manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the town manager within three (3) days after the hearing, or any continued session thereof.

(5) If the board affirms the action of the town manager or his or her designee, the board shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the town or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the town manager or his other designee is not appealed and is not complied with within three (3) days or the order of the board after appeal is not complied with within three (3) days of its issuance, the town

manager or his or her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the town manager or his or her designee and/or the board was issued has not petitioned the Chancery Court for Cheatham County for a review of said order, the town manager or his or her designee shall cause the animal to be destroyed in a humane manner.

(6) Failure to comply with an order of the town manager or his or her designee issued pursuant hereto and not appealed, or of the board of commissioners after appeal, shall constitute a misdemeanor offense punishable as is set forth in § 10-204.

(7) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the town manager or his or her designee may immediately destroy it.

(8) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the town. (1996 Code, § 10-207)

10-208. Violations and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 3

KEEPING OF LIVESTOCK AND POULTRY FOWL

SECTION

10-301. Keeping of livestock and poultry fowl prohibited.

10-302. Livestock and poultry fowl enclosures.

10-303. Agricultural endeavors.

10-304. Exception as to poultry.

10-301. Keeping of livestock and poultry fowl prohibited. From and after July 1, 2013, it shall be unlawful for any person to keep or allow to be kept cattle, horses, sheep, goats, swine and poultry fowl, except as hereafter set forth within the corporate limits. Further, it shall be unlawful for any person owning or in charge of any of the afore stated livestock and poultry fowl prior to the effective date, to knowingly or negligently permit such livestock or poultry fowl to run at large and in violation of *Tennessee Code Annotated*, § 44-8-401. (1996 Code, § 10-301)

10-302. Livestock and poultry fowl enclosures. Any permitted livestock or permitted poultry fowl being kept within the corporate limits in a building, structure, corral, pen, coop or enclosure shall be kept and maintained at all times in a clean and sanitary condition. No animal or fowl shall be kept so as to become a nuisance either because of noise, odor, contagious disease or other reason. (1996 Code, § 10-302)

10-303. Agricultural endeavors. This chapter shall not prohibit the right to engage in active farming and keeping of livestock and poultry fowl as a part of agriculture, as permitted under existing state law, upon tracts of land three (3) acres in size or greater. (1996 Code, § 10-303)

10-304. Exception as to poultry. Notwithstanding the prohibition as to the keeping of fowl and poultry in § 10-301 above, or any applicable zoning restrictions pertaining to the same, the keeping of certain poultry fowl may be permitted, subject to the following restrictions, prohibitions and conditions:

(1) The keeping of nineteen (19) domesticated hens (female chickens) and one (1) rooster, as poultry fowl, shall be allowed to be kept within a residential zone district.

(2) All other types of poultry fowl, including but not limited to ducks, geese, quail, pigeons, turkeys, ostriches, peacocks and emus are prohibited.

(3) All permitted poultry fowl shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken enclosure must include a covered chicken coop structure (hen house).

The chicken enclosure shall be sufficient in size for the number of poultry fowl being kept.

(4) The chicken coop and enclosure shall be well maintained and regularly cleaned so as to control dust, odor and waste and not constitute a nuisance, safety hazard or health problem to the subject premises or surrounding properties. Proper maintenance shall include the removal of waste on a regular basis and disposal thereof in a proper manner. Chicken waste shall include excrement, uneaten food, feathers or other waste items. Any enclosure and coop not properly maintained shall be deemed as a nuisance and in violation of this section.

(5) Any food storage shall be kept in air-tight, predator-proof and weather-proof containers. (1996 Code, § 10-304)

CHAPTER 4

ANIMAL TETHERING

SECTION

- 10-401. Definition.
- 10-402. Pet tethering.
- 10-403. Enforcement.
- 10-404. Violations and penalty.

10-401. Definition. "Tether" means a cable, cord, or similar device used to attach an animal to a stationary device, but does not include chains. No person shall allow any animal to remain confined in such a manner as to unreasonably restrict the animal's ability to move. (Ord. #2016-006, Aug. 2016)

10-402. Pet tethering. No person shall allow any dog to remain tethered unless all of the following conditions are satisfied.

- (1) The tether is not unreasonably heavy in proportion to the weight of the animal.
- (2) A swivel is located at both ends of the tether and the tether is free of tangles.
- (3) The collar on the animal to which the swivel is attached is properly fitted and is a collar that is commonly recognized as a pet collar (choke and pinch collars are not permitted.)
- (4) The tether is not less than fifteen feet (15') in length.
- (5) Chains shall be prohibited for use as a tethering device.
- (6) The animal is not outside during a period of extreme weather, including, without limitation, a heat index of ninety-five degrees (95°) Fahrenheit or above as determined by the National Weather Service, freezing temperatures, thunderstorms, or tornados.
- (7) The animal has access to water, shelter, and dry ground at all times, and has access to adequate food.
- (8) The animal is at least six months of age and has a current rabies vaccination.
- (9) The animal is not sick, injured, or in heat (estrus).
- (10) Pulley, running line, or trolley systems are at least fifteen feet (15') in length and are not less than six feet (6') above the ground.
- (11) If there are multiple animals, each animal must be tethered separately and in a manner so that the animals' tethers do not become entangled as to unreasonably restrict the animal's ability to move.
- (12) The tethering device shall allow the tethered dog to lie down comfortably at all positions of the tether. (Ord. #2016-006, Aug. 2016)

10-403. Enforcement. Local law enforcement may enforce this code or may assign said responsibility to the local animal control unit. (Ord. #2016-006, Aug. 2016)

10-404. Violations and penalty. A violation of this code is subject to the same punishments and fines as established by the town's codes and state law. (Ord. #2016-006, Aug. 2016)