

## TITLE 10

### ANIMAL CONTROL<sup>1</sup>

#### CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.

#### CHAPTER 1

#### IN GENERAL

#### SECTION

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Adequate food, water, and shelter to be provided.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Disposal of dead animals.
- 10-106. Seizure and disposition of animals.
- 10-107. Inspections of premises.
- 10-108. Violations and penalty.

**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, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (Ord. #248, May 2013)

**10-102. 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. (Ord. #248, May 2013)

**10-103. Adequate food, water, and shelter 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 and safety. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (Ord. #248, May 2013)

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<sup>1</sup>Wherever this title mentions dogs it pertains to dog and cats.

**10-104. 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 because of noise, odor, contagious disease, or other reason. (Ord. #248, May 2013)

**10-105. Disposal of dead animals.** The remains of any domesticated animal that has died must be properly disposed of by the animal's owner within twenty-four (24) hours of the animal's death. "Proper disposal" means any method approved by the Tennessee Department of Agriculture guidelines for the disposal of dead animals. (Ord. #248, May 2013)

**10-106. Seizure and disposition of animals.** If any animal or fowl is found running at large or otherwise being kept in violation of this chapter, the Town of Mosheim shall contact the appropriate authorities, including, but not limited to, the Greene County Animal Shelter and the Tennessee Department of Agriculture, to abate the violation. (Ord. #248, May 2013)

**10-107. Inspections of premises.** For the purpose of making inspections to ensure compliance with the provisions of this chapter, the building inspector, the Mayor, or the Mayor's authorized representative shall be authorized to enter, at any reasonable time, any premises where he has reasonably cause to believe an animal or fowl is being kept in violation of this chapter. (Ord. #248, May 2013)

**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.

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Violations and penalty.

**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* §§ 53-901, *et seq.*) (Ord. #50, July 1984)

**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. (Ord. #50, July 1984)

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person to knowingly permit any dog owned by him, or under his control, to run at large within the corporate limits of the Town of Mosheim, Tennessee. (Ord. #50, July 1984)

**10-204. Vicious dogs.**<sup>2</sup> It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is confined and/or otherwise securely restrained so as to provide reasonable protection of other animals and persons. (Ord. #50, July 1984)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 68-8-107.

<sup>2</sup>See cases stating the state's authority to regulate vicious dogs: *State of Tennessee v. Denver Hartly*, 15 TAM 23-2 (Tenn. S. Ct. 1990), and *Darnell v. Shappard*, 3 S.W.2d 661 (1928).

**10-205. 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. (Ord. #50, July 1984)

**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 county health officer, any deputy sheriff, or any member of the board of mayor and aldermen may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid; such confinement shall be at the sole and exclusive expense of the owner of the animal. (Ord. #50, July 1984)

**10-207. Seizure and disposition of dogs.**<sup>1</sup> Any dog found to be running at large may be seized by the county health officer, any deputy sheriff, or any humane or similar officer and placed in a pound designated by the board of mayor and aldermen. If such dog is wearing a tag, the owner shall be notified in person by telephone or by postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee or the animal 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 a tag evidencing such vaccination is placed on its collar. (Ord. #50, July 1984)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, §§ 44-17-501, *et seq.*, "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within thirty (30) days of the adoption if the animal is sexually mature, or within thirty (30) days after the animal reaches six (6) months of age if it is not sexually mature.

Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar (\$25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal.

An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency.

**10-208. Destruction of vicious or infected dogs running at large.<sup>1</sup>**

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it shall summarily destroyed. (Ord. #50, July 1984)

**10-209. 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.

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<sup>1</sup>State law reference

*Tennessee Code Annotated, §§ 44-17-301, et seq.*