

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

1. IN GENERAL.
2. DOGS.

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, etc., to be provided.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Cruel treatment prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Inspections of premises.
- 10-108. Duty of the court.
- 10-109. Improper care prohibited.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any dogs, cows, swine, sheep, horses, mules, 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. (1979 Code, § 3-101, as amended by Ord. #96-13, July 1996, and Ord. #14-26, Dec. 2014)

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. (1979 Code, § 3-103, as renumbered by Ord. #14-26, Dec. 2014)

10-103. 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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1979 Code, § 3-104, as renumbered by Ord. #14-26, Dec. 2014)

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 either because of noise, odor, contagious disease, or other reason. (1979 Code, § 3-105, as renumbered by Ord. #14-26, Dec. 2014)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1979 Code, § 3-106, as renumbered by Ord. #14-26, Dec. 2014)

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by an animal control officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1979 Code, § 3-107, as amended and renumbered by Ord. #14-26, Dec. 2014)

10-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, an animal control officer, or a police officer, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1979 Code, § 3-108, as amended and renumbered by Ord. #14-26, Dec. 2014)

10-108. Duty of the court. Fines imposed and costs assessed for violations of this chapter which are not paid within thirty (30) days of the judgment shall be collected in the same manner and with the same fees as judgments of the General Sessions Courts of Tennessee, including, by not limited to, garnishment of wages and attachment of bank accounts.

Further, upon conviction of a pet owner of a third separate offense of allowing the same animal to run at large, the city judge shall have the authority to order the animal impounded. In the event of such impoundment, the owner must request a hearing before the city judge within thirty (30) days of

impoundment to determine whether the pet should be returned to the owner. If no hearing is requested, or if at the hearing the owner fails to convince the city judge of future compliance with this chapter, the impounded pet may become available for adoption. (as added by Ord. #97-05, June 1997, as renumbered by Ord. #14-26, Dec. 2014)

10-109. Improper care prohibited. All animal(s) or pet(s) that are kept outdoors that are subject to weather conditions must have access to barn, doghouse, or other shelter. This shelter must be so constructed to protect the animal(s) from the heat and cold weather conditions (weatherproof). The shelter must be large enough for the animal(s) to stand up and turn around in.

In the winter months this shelter must be lined with dry hay, straw, wood chips, or carpet to help keep the animal(s) warm. The door or opening should have some type of covering such as burlap, rubber, or heavy gauge plastic to protect animal(s) from cold winds.

In the summer months or hot conditions animal(s) or pet(s) must have access to shade during all daylight hours.

During all times of the year, animal(s) or pet(s) must have access to a quantity of clean and fresh water at all times to meet the animal(s) needs. Snow or ice is not adequate water source. (as added by Ord. #07-29, Sept. 2007, as renumbered by Ord. #14-26, Dec. 2014)

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.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

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. (1979 Code, § 3-201)

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. (1979 Code, § 3-202)

10-203. Running at large prohibited.¹ 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. A dog is at large when it is free, unrestrained and not under the control of its master and, to come and go at will. (1979 Code, § 3-203, as amended by ord. 96-06, May 1996)

10-204. Vicious dogs. (1) Definitions.

(a) A "vicious" dog as the term is used in this section means:

(i) Any dog which attacks a human and thereby causes death or serious injury; or

(ii) Any dog which attacks a human being or a domestic animal on two or more occasions without provocations; or

(b) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (2) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom

¹State law reference

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

secured to the sides, the sides must be imbedded in the ground not less than two (2) feet.

(2) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(3) No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the codes administrator.

(4) Violations and penalties. Whoever violates the provisions of this section shall be guilty of a misdemeanor and fined not more than five hundred dollars (\$500.00) and costs. In conformance with Tennessee Code Annotated, section 44-17-120, any dog which attacks a human being and thereby causes death or serious injury may be destroyed upon the order of the Judge of the Circuit Court of Sumner or Robertson Counties or a judge of a court having proper or concurrent jurisdiction. Such orders shall be granted on the petition of the District Attorney for Sumner and Robertson Counties. The petition shall name the owner of the dog, and the owner shall be given notice as in civil cases, that if he does not appear before the court within five (5) days of the receipt thereof and show cause why the dog should not be destroyed. In addition, any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or board and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(5) Should the complaining party, law enforcement officer, or city official determine the dog should be destroyed and plan to request the district attorney to take such action, notice that said dog should be declared a vicious dog shall be given to the owner or person who has had custody of the dog, if known, and the alleged victim by certified mail, return receipt requested, or by delivery by an officer to the premises, said mailing or delivery date to be within three (3) working days of the impoundment or incarceration of the dog.

(6) At said hearing, the judge shall hear testimony and receive evidence from the interested parties and shall have the discretion to find the declaration of being a vicious dog to be unwarranted, to declare said dog to be a vicious dog and humanely destroyed in accordance with T.C.A. 44-17-120 and other applicable provisions of the Tennessee Code Annotated, or to declare such dog to be a vicious dog used for the protection of property and place such restrictions and conditions on the continued possession of the dog in addition to those set forth hereinabove to include (a) establish location of the dog's residence, to include removal of the dog from the City of White House; (b) photo identification or permanent marking of the dog for purposes of identification.

(7) If the dog is declared by the judge to be a vicious dog used for the protection of property, the dog may be redeemed with said conditions of possession after three (3) working days have transpired, if no appeal is timely filed. The dog shall in no event be eligible for adoption.

(8) If the dog is redeemed and the dog thereafter is allowed to run at large or, without, provocation, attacks and bites any human, the dog shall be impounded. Notice as provided hereinabove shall be given to the owner or custodian of the dog in the event the District Attorney for Sumner or Robertson Counties files a petition with the Circuit Court for Sumner or Robertson Counties or another court having proper jurisdiction. If said dog has run at large, said dog, has without provocation, attacked and bitten a human, or said dog has been trained for participation in dog fights, pursuant to Tennessee Code Annotated section 39-14-203, or if the conditions of possession have been violated or the dog is found to have engaged in any of the activities listed above, the dog may be ordered by the circuit court to be humanely put to death by the shelter after three (3) working days have transpired, if no appeal is timely filed. If the findings are otherwise, the dog shall be eligible for redemption with the conditions previously attached to the possession of said dog. Upon a timely appeal, a hearing shall be held and a decision rendered on the issues listed above.

(9) Any owner of a vicious dog kept for the protection of property who sells or otherwise transfers ownership, custody or residence of said dog shall, within ten (10) days thereof, inform, in writing, the codes administrator of the name, address and telephone number of the new owner or custodian and state that the new owner has received a copy of the decision finding the dog to be a vicious dog used to protect property with the conditions for continued possession therein.

(10) Any dog which has been declared a vicious dog by the city, county or state, shall be subject to the provisions of this chapter for the remainder of its life, and any owner of any dog declared to be a vicious dog in any other municipality, county or state shall, within ten (10) days of moving into the City of White House, notify the codes administrator of the bringing of such dog into the City of White House. (1979 Code, § 3-204, as amended by Ord. #96-06, May 1996)

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. No person shall own, keep or harbor more than two (2) dogs outside the home which causes a nuisance and is within 500 feet of any residence or business. (1979 Code, § 3-205, as amended by Ord. #96-06, May 1996)

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 animal control officer 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. (1979 Code, § 3-206, as amended by Ord. #14-26, Dec. 2014)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the animal control officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. 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, to be fixed by the pound keeper, 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 animal control officer or any policeman.¹ (1979 Code, § 3-207, as amended by Ord. #14-26, Dec. 2014)

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).