

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

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**CHAPTER 1****DEFINITIONS AND PROCEDURES****SECTION**

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**10-101. Definitions.** For the purposes of this title, the term:

- (1) "Animal" means any cow, horse, sheep, mule, goat, or other animal which is raised for meat, show, hides, pets, or ornamental value.
- (2) "Dog" means any breed of dog, mixture of breeds, and wolf hybrids.
- (3) "Dangerous dog" means any dog which
  - (a) Without being provoked, approaches, corners or menaces any person in a dangerous or terrorizing manner or in an apparent attitude or stance of attack, upon the streets, sidewalks, parks, or any public grounds or places;
  - (b) Has a known propensity, tendency or disposition by prior attacks to attack without provocation, to cause injury or otherwise endanger to the safety of persons or other dog(s);
  - (c) Bites, inflicts bodily injury, assaults or attacks a person or other dog(s) on public or private property without provocation;
  - (d) Is owned or harbored primarily or in part for the purpose of dog fighting or is trained for dog fighting;
  - (e) Trained as an attack or guard dog.
- (4) "Domesticated fowl" means any fowl raised for meat, eggs, down, show, pets or ornamental value.
- (5) "Owner" means any person, or other legal entity which owns, possesses, harbors, keeps, or has custody or control of a dog. If a dog has more

than one (1) owner within the meaning of this section, any one (1) of such owners may be cited for a violation.

(6) "Without provocation: means that the dog was not hit, kicked, taunted or struck by a person with any object or part of a person's body, nor was any part of the dogs body pulled, pinched or squeezed by a person. (Ord. #09/10-11, Jan. 2010)

**10-102. Adjudication of dangerous dogs.** Once a dog has been cited by law enforcement into the town municipal court and adjudicated to be a dangerous dog pursuant to § 10-101(3), the owner shall be subjected to a civil penalty not to exceed fifty dollars (\$50.00) and must comply with the following regulations in order to keep the dog:

(1) Register the dog adjudicated dangerous with the town recorder providing the owner's name, address and telephone number and the dog's name, date of birth (if known), breed, and two (2) colored photographs at least four by six inches (4" x 6") in size within five (5) days of the adjudication.

(2) Notify the town recorder of the change of address of the owner, while the dog is in his possession.

(3) All dogs adjudicated to be classified as dangerous shall not be allowed to go outside its place of confinement unless it is secured by a leash of sufficient strength no longer than four feet (4') in length, is under the physical control of person of suitable age, size and discretion and wearing a muzzle device sufficient to prevent the dog from biting persons or other animals.

(4) All dogs adjudicated a dangerous dog shall be securely confined indoors or in a securely enclosed pen, kennel or structure unless the dog is properly leashed as provided in § 10-101(3). Securely confined indoors means the dog shall not be confined to any portion of a house or structure which would allow him to exit such building with windows or door opened, or when screened doors or windows are the only obstacles preventing their exit. Securely enclosed pen, kennel, or structure means that the confining structure must be at least eight feet (8') above ground on all four (4) sides; have a secured floor attached to the four (4) sides or the sides must be embedded in the ground no less than two feet (2'); have a secure top attached to the side to prevent escape and protect the dog from the elements; kept clean and sanitary; be of sufficient size to provide adequate exercise, space, light, and ventilation; and located in the rear yard of the residence.

(5) If the dangerous dog is to be securely enclosed in a pen, kennel or structure, the owner shall keep the dog confined indoors until the securely enclosed pen is constructed and inspected by the town's building inspector.

(6) The owner shall display a "Beware of Dangerous Dog" sign in a prominent place on the owner's premises, readable and visible from the driveway entrance or street and on the pen, kennel or structure. The size of the signs shall be twelve inches by twelve inches (12" x 12") in size.

(7) The dangerous dog must be spayed or neutered, or if previously spayed or neutered, proof must be shown evidencing the procedure has been performed.

(8) The owner of a dangerous dog shall obtain and provide the town recorder of a property damage or personal injury insurance policy insuring the owner of damage or injury caused by the dog in the amount of fifty thousand dollars (\$50,000.00) within twenty (20) days of being adjudicated dangerous. The policy shall contain a provision stating the issuing insurance agent will notify the town in the event the policy is canceled, terminated or expired. If the owner allows the insurance policy to lapse, it shall be a violation of this title.

(9) The owner shall notify the town immediately if the dangerous dog is unconfined and on the loose; has attacked a human being or domestic animal or fowl without provocation; has changed ownership, or died.

(10) The owner shall attend the responsible dog ownership class on the date directed at a cost of twenty-five dollars (\$25.00) per person.

(11) Any violation of any of the regulations hereinabove enumerated after the dog has been adjudicated dangerous (subsections (1) through (10)) will be deemed a separate violation and may result in another citation being issued to the owner. If the owner is found to be in violation of one (1) or more of this title's subsections, the dog will be impounded at the Jefferson County Humane Society in addition to a civil penalty of fifty dollars (\$50.00). (Ord. #09/10-11, Jan. 2010, modified)

**10-103. Impoundment and evaluation.** Once a dog has been impounded, the dog will be observed and evaluated by a competent dog trainer during a ten (10) day period, the cost of which shall be paid by the owner. If the evaluation deems the dog adoptable, it will be placed in a suitable shelter for adoption. If the evaluation deems the dog non-adoptable, it will be euthanized. (Ord. #09/10-11, Jan. 2010)

**10-104. Exception to dangerous dog.** A dog shall not be adjudicated dangerous if he has injured, menaced or damaged a victim who was:

(1) Willfully committing a trespass or other tort upon the business or residential premises occupied by the owner of the dog;

(2) Teasing, tormenting, abusing or assaulting the dog without provocation;

(3) Committing or attempting to commit a crime;

(4) A dog owned by a law enforcement department. (Ord. #09/10-11, Jan. 2010)

**10-105. Enforcement.** All ordinance enforcement under this title shall be under the direction of the police chief and/or his designees. (Ord. #09/10-11, Jan. 2010)

**10-106. Procedure.** Any alleged violation occurring under this title by animal domesticated fowl or dog shall be initiated by a civil citation given to the owner. If the owner cannot be located, the alleged violating animal or domesticated fowl may be impounded. All fees resulting from said impoundment shall be paid for by the owner of the animal, dog, or domesticated fowl prior to its being released. (Ord. #09/10-11, Jan. 2010)

**10-107. Hearing.** The officer issuing the citation shall cite the owner to appear before the town municipal court. The town judge shall be authorized to impose a civil penalty up to fifty dollars (\$50.00) for any adjudication for violating any provision of this title. (Ord. #09/10-11, Jan. 2010, modified)

**10-108. Appeal.** Any owner aggrieved by the decision of the town municipal court may appeal to the Jefferson County Circuit Court upon executing an appeal bond and security for the payment of the civil penalty and costs incurred. (Ord. #09/10-11, Jan. 2010)

**10-109. 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

### GENERAL

#### SECTION

- 10-201. Rabies vaccination and registration.
- 10-202. Running at large outside boundaries of owner's property.
- 10-203. Dogs constituting a nuisance.
- 10-204. Tethering.
- 10-205. Female dogs in heat.
- 10-206. Removal of waste.
- 10-207. Confinement of suspected rabid dog.

**10-201. Rabies vaccination and registration.** All dogs and cats located permanently or temporarily within the town's corporate limits shall be duty vaccinated against rabies, registered in accordance with the "Tennessee Rabies Law" *Tennessee Code Annotated*, §§ 68-8-101 to 68-8-113 or other applicable law, and wearing a tag evidencing a current vaccination and registration. (Ord. #09/10-11, Jan. 2010, modified)

**10-202. Dogs running at large outside boundaries of owner's property.** No dog shall be allowed to run outside the owner's property boundaries on the streets, sidewalks, or other places open to the public unless they are on a leash or chain no more than four feet (4') long and being handled by the owner or other qualified person. (Ord. #09/10-11, Jan. 2010)

**10-203. Dogs constituting a nuisance.** No owner shall own, possess, harbor, keep or maintain custody or control of a dog(s) which disturbs the peace and tranquility of surrounding residents by loud and for frequent barking, whining, or howling. (Ord. #09/10-11, Jan. 2010)

**10-204. Tethering.** (1) No dog shall be tethered or chained in the front yard of any residence or in the side yard if it abuts a street or sidewalk within the corporate limits. The tethering system shall not allow the dog to leave the owner's property and shall not extend beyond ten feet (10') to the owner's property line.

(2) No dog shall be tethered by use of a choke collar nor by any collar too small for the size and age of the dog. No dog shall be tethered by a rope, chain, chord or other device which is attached directly to the dog's neck. Any tethering device shall be attached to a properly fitted collar or harness worn by the dog and shall not weigh more than one-eighth (1/8) of the dog's body weight, shall be at least ten feet (10') in length, and have a swivel attachment on at least one (1) end. (Ord. #09/10-11, Jan. 2010)

**10-205. Female dogs in heat.** Any female dog coming into heat within the corporate limits shall be kept in a secure enclosure or under the complete control of the owner for a minimum of twenty-one (21) days beginning the first day the evidence of attraction appears to the owner. No female dog evidencing signs of being in heat shall be tethered or chained for any period of time, either on or off of owner's property unless she is in a secured enclosure or directly supervised by the owner. (Ord. #09/10-11, Jan. 2010)

**10-206. Removal of waste.** The owner of any dog shall be responsible for the immediate removal of any excretion deposited on any public sidewalks, streets, or paved walking trail, a guide dog under the control of a person with a disability or dog(s) used in police activities are exempt from this section. (Ord. #09/10-11, Jan. 2010)

**10-207. Confinement of suspected rabid dog.** If any animal or dog has bitten any person, is suspected of biting a person, or is suspected of being infected with rabies, the chief of police or his designee shall notify the Jefferson County Animal Control Officer who shall cause the animal or dog to be confined or isolated until it is determined the animal or dog is not rabid. (Ord. #09/10-11, Jan. 2010)