

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

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

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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, 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.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1980 Code, § 3-101, modified)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street, without a permit from the health officer. The health officer 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. Any person aggrieved by the health officer's decision in any such case may appeal the same to the board of mayor and aldermen. (1980 Code, § 3-102)

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. (1980 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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1980 Code, § 3-104, modified)

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 because of either noise, odor, contagious disease, or other reason. (1980 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1980 Code, § 3-106)

10-107. Seizure and disposition of animals running at large. Any animal or fowl found running at large in violation of this chapter may be seized by the health officer or by any police officer and confined in a suitable place provided or designated by the board of mayor and aldermen.

Animal seizure and disposition is under the jurisdiction of Hardeman County, Tennessee. Details regarding policies and procedures for redemption of animals is available in the Hardeman County Animal Control Office. (1980 Code, § 3-107, modified)

10-108. Horses. All horses shall, except to cross a public right-of-way, not be ridden or allowed to be present on the paved portion of any roadway but shall be allowed only on the shoulder on any public road, except during parades or other social events authorized by the city.

No horse shall be ridden on any private business, commercial or industrial property without the express permission of the owner thereof.

No horse shall be ridden on any city walking trail or sidewalk or be allowed in any city park unless authorized by the city.

Between dusk and dawn, all riders of horses shall wear reflective clothing visible one hundred feet (100') away.

Every person owning a horse or having a horse under their control shall be responsible for immediately cleaning up the waste of any horse except upon their own property.

The penalty for the violation of this section shall be a fine of not less than ten dollars (\$10.00) and no more than fifty dollars (\$50.00) for each occurrence. (Ord. # _____, Feb. 2005)

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. Certain dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Shooting of dogs.
- 10-207. Seizure and disposition of dogs running at large.
- 10-208. Seizure and disposition of dogs suspected of being rabid.

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. (1980 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. (1980 Code, § 3-202)

10-203. Running at large prohibited. 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. (1980 Code, § 3-203)

10-204. Certain dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous or any female dog in heat unless such dog is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. Any dog described in this section which is found to be running at large and which cannot be safely taken up and impounded may be killed on the spot by the health officer or any policeman. (1980 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. (1980 Code, § 3-205)

10-206. Shooting of dogs. In an emergency, any dog found running at large or suspected of being rabid may be shot or otherwise killed immediately by any police officer when he is not able safely to seize and impound such dog. (1980 Code, § 3-206)

10-207. Seizure and disposition of dogs running at large. Any dog found running at large in violation of this chapter may be seized by the health officer or by any police officer and confined in a suitable place provided or designated by the board of mayor and aldermen.

Animal seizure and disposition is under the jurisdiction of Hardeman County, Tennessee. Details regarding policies and procedures for redemption of animals is available in the Hardeman County Animal Control Office. (1980 Code, § 3-107, modified)

10-208. Seizure and disposition 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 marshal may cause such dog to be seized and/or confined or isolated for observation for up to two (2) weeks. If such dog is found to be rabid, it will be humanely disposed of. If such dog is found not to be rabid, it shall be released to its owner upon his payment of any expenses incurred by the city on his behalf. If upon reasonable notice the dog's owner refuses to pay such costs, the dog shall be humanely destroyed or otherwise disposed of. (1980 Code, § 3-208)

CHAPTER 3

PIT BULLS

SECTION

- 10-301. Definitions.
- 10-302. Restrictions.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Rebuttable presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalties.

10-301. Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(1) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(2) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(3) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(4) "Pit bull" means and includes any of the following dogs:

(a) The bull terrier breed of dog;

(b) The Staffordshire bull terrier breed of dog;

(c) The American pit bull terrier breed of dog;

(d) The American Staffordshire terrier breed of dog;

(e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs, or pit bull terriers; and

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(5) "Predominantly" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harborer that the

dog is more than fifty percent (50%) pit bull. Predominantly also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(6) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(7) "Under restraint" means that the dog is secured by a leash, led under the control of a person physically capable of restraining the dog and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises. (Ord. #2007-02, July 2007)

10-302. Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of the City of Middleton. Provided, however, that persons owning such dogs at the time this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-303, within thirty (30) days of the effective date of this chapter. (Ord. #2007-02, July 2007)

10-303. Standards and requirements. The following standards and requirements apply to pit bull dogs located within the corporate limits.

(1) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city recorder.

(2) Leash. No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its kennel, pen, or other proper enclosure unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other proper enclosure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent such dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) Confinement. Except when leashed and muzzled as provided in this section, all pit bull dogs shall be securely confined indoors or confined in a locked pen, kennel, or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house pit bull dogs must comply with zoning and building ordinances and

regulations of the City of Middleton. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

(5) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure where the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign must be posted on the kennel or pen of such animal.

(7) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the city recorder of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or person or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the city recorder.

(8) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the city recorder as required hereinafter:

- (a) The removal from the city or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the city. (Ord. #2007-02, July 2007)

10-304. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of Middleton unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Middleton. (Ord. #2007-02, July 2007)

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the City of Middleton must be removed from the City of Middleton within six (6) weeks of the birth of such animal. (Ord. #2007-02, July 2007)

10-306. Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered within the City of Middleton as a pit bull dog or any of those breeds defined by § 10-301 of this chapter is in fact a dog subject to the requirements of this code. (Ord. #2007-02, July 2007)

10-307. Failure to comply. It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the City of Middleton to fail to comply with the provisions of this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Middleton. (Ord. #2007-02, July 2007)

10-308. Violations and penalties. Any persons violating or permitting the violation of any provision of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to the fine at not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00). Each day such violation shall continue constitutes a separate offense. In addition to the foregoing penalty, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this chapter. (Ord. #2007-02, July 2007)