

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Hunting and killing of animals prohibited.
- 10-102. Permit required to keep livestock in proximity to residence or business.
- 10-103. Livestock or poultry running at large.
- 10-104. Animal care.
- 10-105. Inspections of kennels and pet stores.
- 10-106. Keeping of wild animals.
- 10-107. Keeping of wolf-hybrids.
- 10-108. Impoundment and disposition of animals other than dogs and cats.

10-101. Hunting and killing of animals prohibited. It shall be unlawful to kill or attempt to kill any bird or wildlife or other domestic animals, except domestic fowl, within the city. (Ord. #93-5, June 1993)

10-102. Permit required to keep livestock in proximity to residence or business. No person shall keep any cattle, swine, sheep, goats, horses, or mules within one thousand (1,000) feet of any residence or place of business in the city without a permit therefor from the health officer. The health officer shall issue a permit only when he shall find that the keeping of such an animal in the 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 such cases may appeal the decision to the board of mayor and aldermen. (Ord. #93-5, June 1993)

1-103. Livestock or poultry running at large. It shall be unlawful for any person owning or in charge of any cattle, swine, sheep, goats, horses or mules or any offensive animals, or chickens, ducks, geese, turkeys or other domestic fowl to permit any such animal to run at large in any street, alley or unenclosed lot within the City of Newport. (Ord. #93-5, June 1993)

10-104. Animal care. (1) No owner(s) shall fail to provide their animals with sufficient good and wholesome food and water, proper shelter and

protection from the weather, veterinary care as is necessary to prevent disease and suffering, and with humane care and treatment.

(a) The building, structure, corral, pen, or other enclosures in which any animals are kept shall be, at all times, maintained in a clean and sanitary condition and free from excessive odor.

(b) When any animal is confined by the use of a chain, must be of adequate length and gauge to secure the animal without denying movement unnecessarily, and must be attached to the animal by an appropriate collar or harness, and must remain free from possible entanglement .

(i) Metal or chain, "choke" or "training" collars shall not be considered appropriate, with leather or cotton or nylon webbing being preferred.

(2) No person or organization shall give away any live animal as a prize for, or as an inducement, to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(3) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such accident to the Newport Police Department, who will then notify the city animal shelter or animal control officer.

(4) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be consumed by any animal.

(5) Tennessee Code Annotated, §§ 39-14-201 through 39-14-210 are incorporated by reference as if set out in full. (Ord. #93-5, June 1993)

10-105. Inspections of kennels and pet stores. It shall be the duty of the animal control officer to make regular inspections of kennels and stores in which animals are sold. These inspections may be made at all reasonable times and places. (Ord. #93-5, June 1993)

10-106. Keeping of wild animals. No person shall keep or permit to be kept on his premises any wild animal, native or exotic, except with a state issued permit and strict adherence to state wildlife requirements and regulations. Tennessee Code Annotated, §§ 70-4-402 through 70-4-409. Wildlife Resources - Miscellaneous Regulations are incorporated by reference as if set out in full. (Ord. #93-5, June 1993)

10-107. Keeping of wolf-hybrids. Wolf-hybrids will be considered as "dangerous animals" and shall be securely confined as set down in § 10-220. (Ord. #93-5, June 1993)

10-108. Impoundment and disposition and animals other than dogs and cats. (1) Except for dogs and cats, any animal found running at large in violation of this chapter may be taken up by the animal control officer and impounded. The impounding officer shall post notices in at least three (3) public places, briefly describing the animal, reporting its impoundment and giving the date and place that the animal is to be sold, if not claimed by its owner within five (5) days. Any impounded animal may be claimed by its owner upon payment of the accrued fees. The owner shall also be liable for fines and costs as the recorder may assess for the violations of this chapter, as well as any damages. In the event any animal is not claimed within the prescribed time, it may be sold at public auction at the time and place as advertised to the highest bidder for cash. In the absence of a bidder or purchaser at such a sale, the animal may be humanely destroyed or otherwise disposed of for the benefit of the city.

(2) When any animal has been lawfully impounded, it shall not be taken or released from the place of impoundment except in accordance with the provision of subsection (1). (Ord. #93-5, June 1993)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Definitions.
- 10-202. Running at large.
- 10-203. Bitches to be quarantined while in season/heat/estrus.
- 10-204. Importation or abandonment of animals.
- 10-205. Barking or howling.
- 10-206. Condition of pen and premises.
- 10-207. Number of animals.
- 10-208. Animals doing property damage.
- 10-209. Use of dog as a weapon.
- 10-210. Control of restrained dogs.
- 10-211. Enforcement.
- 10-212. Citations.
- 10-213. Investigation.
- 10-214. Interference with animal control officer.
- 10-215. Animal control officer authorized to request assistance from police department.
- 10-216. Rabies control.
- 10-217. Seizure of animal running at large--redemption by owner.
- 10-218. Confining or isolating animal upon suspicion of rabies.
- 10-219. Monitoring of quarantine.
- 10-220. Concealing animal kept in violation of this chapter a misdemeanor.
- 10-221. Dangerous and vicious dogs.
- 10-222. Impoundment.
- 10-223. Fraudulent redemption or adoption of animals.
- 10-224. Failure or refusal to redeem an impounded dog.
- 10-225. Euthanasia of animals.
- 10-226. Veterinary care of sick or injured animals.
- 10-227. Adoption disclaimer.
- 10-228. Removal and disposal of dog or cat feces from public or private property regulated.
- 10-229. Penalty.

10-201. Definitions. The following words and phrases shall, for the purpose of this chapter have the following meanings:

(1) "Animal control officer." The person or persons employed by the City of Newport and designed by the city as an enforcement officer or officers and having authority to carry out all provisions of this chapter.

(2) "Animal shelter." Any premises designated by the City of Newport for the purpose of impounding and caring for animals found running at large in violation of this chapter.

(3) "Animals." Animals when used herein, shall include both dogs and cats as defined below.

(4) "At large." An animal shall be "at large" when not confined to the premises of the owner or under restraint when away from the premises of the owner.

(5) "Confinement" or "confined." An animal shall be confined or under confinement to the premises of the owner when restricted within an adequate fence or enclosure or within a house, garage or other building or structure or under restraint sufficient to prevent the dog from escaping or leaving the premises.

(6) "Dogs." When used herein, shall include animals of all ages, both male and female, which are members of the canine family physically and geographically subject to this chapter.

(7) "Humane treatment." Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size and breed.

(8) "Owner." Any person having a right of property in or custody of an animal or who feeds/keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person over which that person has substantial control.

(9) "Person." Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

(10) "Quarantine." A condition of total confinement within a structure, cage or pen which prevents any potential contact with any other animal and with any human being except as is necessary for those responsible for the quarantined animal's custodial or medical care.

(11) "Restraint." An animal is under restraint if it is controlled by a leash, tether, or chain, or within the passenger compartment of a motor vehicle being driven or parked on a street or confined on the property of its owner.

(12) "Veterinary hospital or clinic." A hospital or clinic operated by a licensed veterinarian. (Ord. #93-5, June 1993)

10-202. Running at large. The owner of any animal found to be at large shall be guilty of allowing the animal to run at large. (Ord. #93-5, June 1993)

10-203. Bitches to be quarantined while in season/heat/estrus. Every owner of a bitch is required to contain same for the twenty-four (24) days of her reproductive cycle when she is fertile (capable of reproduction).

Any female dog found in violation of this section and impounded will not be released from the animal shelter until said animal has been spayed, at the expense of the owner, and all other fees, fines, and/or penalties have been paid. (Ord. #93-5, June 1993)

10-204. Importation or abandonment of animals. (1) It is unlawful for any person to bring into the city any stray or unwanted animal and release same within the city limits to run at large upon the streets, sidewalks, alleys and other public or private property.

(2) It is unlawful for any person to bring into the city any stray or unwanted animal and misrepresent the origin of the animal or themselves for the purpose of obtaining the services of the city's animal control facilities or personnel without charge/fee.

(3) It is unlawful for any resident of the city to abandon, cast out, leave or discard any animal which they own or possess because same has become unwanted, ill or aged or misrepresent their intent and purpose in order to obtain the services of the city animal control facilities and personnel and/or avoid financial responsibility associated with the humane treatment of an animal. (Ord. #93-5, June 1993)

10-205. Barking or howling. It shall be unlawful for any person, firm or corporation to keep on his premises or under his control and within the City of Newport, any animal which, by loud and frequent barking or howling, shall unreasonably disturb the peace and quiet for any person who may reside within reasonable proximity of the place where such animal is located. (Ord. #93-5, June 1993)

10-206. Condition of pen and premises. (1) It shall be unlawful for any person, firm or corporation, keeping or harboring any animal, to fail to keep the premises, where such animals are kept, free from offensive odors to the extent that such odors are disturbing to persons residing within reasonable proximity of the said premises.

(2) It shall be unlawful to allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

(3) Said pen and premises shall be constructed and equipped so as to provide humane treatment of the animals confined therein. (Ord. #93-5, June 1993)

10-207. Number of animals. (1) It will be unlawful for more than four (4) animals over the age of three (3) months to be confined, kept or harbored upon the premises of any person within the city limits, except that this provision shall not apply to proprietors of animal hospitals and clinics or veterinarians

and grooming facilities (or licensed kennels and catteries), when such animals are kept upon the premises in the course of their normal business.

(2) The keeping on the premises of the owner of more than four (4) animals shall be prima facie evidence of violation of this section, and the burden of proof shall be on the owner to show the ages of such animals. (Ord. #93-5, June 1993)

10-208. Animals doing property damage. (1) The owners of all animals at large in the City of Newport, which animals, while at large do damage to the property of any person, shall be guilty of a misdemeanor.

(2) Upon conviction, the owner shall be fined not less than \$ ____, plus court costs nor more than \$ ____, plus court costs plus the cost of all damages done by the animals. Damages shall be paid to the person so damaged within thirty (30) days after the damage done.

(3) Said offense to be separate from and in addition to the section pertaining to "running at large." (Ord. #93-5, June 1993)

10-209. Use of dog as a weapon. (1) It shall be unlawful for any person who owns, possesses or has direct or indirect control of a dog within the city limits of Newport to permit, encourage, incite, command or direct said animal to challenge, threaten, charge, assault, or do injury to any person upon the streets and thoroughfares or public lands of Newport or upon the premises of said owner, possessor or controller except as would otherwise be permissible under Tennessee statutes as they relate to the justifiable use of deadly physical force.

(2) The penalty for using a dog as a weapon shall be no less than __ nor more than __, if no physical contact between animal and "victim" occurs, otherwise the penalty shall be a fine of no less than __ nor more than __ and the city judge (municipal judge) may order the confiscation and destruction of the animal. (Ord. #93-5, June 1993)

10-210. Control of restrained dogs. (1) It shall be unlawful for any person upon the streets, sidewalks, or public places while having a dog under restraint by leash, tether, or chain in their possession to encourage, command, allow, or permit the animal to challenge, confront, attack or fight any other animal whether said challenge or combat is by mutual agreement with another owner of a restrained animal or with a stray animal.

(2) It shall be the duty of any person upon the streets, sidewalks or public places while having a dog under restraint to prevent such conduct by the animal and if it becomes involved in any altercation with another animal inadvertently, to take whatever corrective action is necessary to withdraw their animal from the affray immediately. If the other animal involved is a stray, animal control should be called immediately to impound said stray.

(3) Failure to control a restrained animal shall carry a penalty of no less than \$___ nor more than \$___ for the first offense. A second offense shall carry a penalty of double the previous fine and confiscation of the animal upon order of the municipal (city) judge. (Ord. #93-5, June 1993)

10-211. Enforcement. The provisions of this chapter shall be enforced by the animal control officer(s) of the City of Newport. (Ord. #93-5, June 1993)

10-212. Citations. The animal control officer(s) is hereby authorized to issue a citation for court appearance as defined by the Tennessee Rules of Criminal Procedure, to the owner or possessor of any animal violating any provisions of this chapter. The citation shall be in the form as approved by the Newport Municipal (city) Court. Said citation shall designate the offense committed and shall require the person so charged to appear before the Newport City Court to answer the charges contained or present said citation at the city records office prior to said court date for disposition. Should an arrest be required for failure to appear in response to said citation, the animal control officer shall seek the assistance of the Newport Police Department to effect such physical arrests. (Ord. #93-5, June 1993)

10-213. Investigation. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control officer is empowered to enter upon any premises upon which an animal is kept or harbored to request the exhibition of such animal and the rabies certificate for the animal by the owner or possessor. It is further provided the animal control officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in the officer's opinion it requires humane treatment and to keep and care for same until such time as the court makes a disposition on any charges or the animal. (Ord. #93-5, June 1993)

10-214. Interference with animal control officer. No person shall interfere with, hinder or molest an animal control officer in the performance of any duty of such officer, or seek to release or take any animal in the custody of the animal control officer. (Ord. #93-5, June 1993)

10-215. Animal control officer authorized to request assistance from police department. The animal control officer is empowered to call upon the personnel and facilities of the Newport Police Department to assist in the performance or furtherance of the assigned duties as may be necessary for the officer's or public's physical protection, investigations, or physical arrests. (Ord. #93-5, June 1993)

10-216. Rabies control. (1) Vaccination schedule. It shall be the responsibility/duty of every dog and cat owner to have his/her dog vaccinated against rabies at the age of three (3) months, cats at the age of six (6) months, and annually thereafter. All vaccinations must be administered by a veterinarian licensed by the Tennessee State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee.

(2) Penalty. Any person failing to have their animal (dog or cat) vaccinated as required under this section shall upon conviction be guilty of a misdemeanor and be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

(3) Tag evidencing vaccination to be attached to collar and worn at all times. Every dog owner shall attach a metal tag, evidence of rabies vaccination, to a collar which shall be worn at all times by the vaccinated.

(4) Vaccination certificate. The vaccination certificate shall be kept by the person who owns, keeps, or harbors the said animal (dog or cat) at all times subject to the properly empowered officer(s).

(5) Harboring or owning unvaccinated animal misdemeanor. It is hereby declared a misdemeanor for any person to own, keep, or harbor any animal which has not been vaccinated pursuant to the requirements of this section. (Ord. #93-5, June 1993)

10-217. Seizure of animal running at large--redemption by owner. Any animal found running at large may be seized by an officer (animal control, health or any peace officer) and placed in the animal sheltering facility. If said animal is wearing a rabies tag, the owner will be notified by telephone, or a post card addressed to his last known mailing address to appear within five (5) days and redeem the animal by paying an owner claim fee of ten dollars (\$10.00), the daily boarding fee of three dollars and fifty cents (\$3.50) per day, as well as the city pick-up fee of seven dollars and fifty cents (\$7.50), or the same will be destroyed. If said animal (dog) is not wearing a tag, the same shall be destroyed unless legally claimed by the owner within three (3) days. No animal shall be released in any event from a shelter unless and until it has been vaccinated and the rabies tag placed on its collar. (Ord. #93-5, June 1993)

10-218. Confining or isolating animal upon suspicion of rabies.

(1) If any animal has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the Cocke County Health Department, City of Newport Health Officer, any peace officer, animal control officer or municipal judge shall cause such animal to be quarantined, confined or isolated at a veterinary hospital, the animal shelter or other facility as approved by the Cocke County Health Department for such time as the health department deems it necessary to protect the safety of the people and/or personal property.

(2) When an animal has bitten a person, it shall not be killed while under confinement/quarantine, except when the animal is too unmanageable as to be a danger to the public or staff in the sheltering facility.

(3) If such animal should die or be destroyed, within the period, the Cocke County Health Department shall send the head to the state laboratory for examination.

(4) The animal shelter shall be authorized to impose a reasonable charge for the housing and maintenance of said animals. (Ord. #93-5, June 1993)

10-219. Monitoring of quarantine. In those instances where the animal is quarantined on the premises of the owner, the animal control officer shall have the authority to monitor the conditions of the quarantine and the health of the dog at irregular intervals.

If the owner is unable, or fails or refuses to properly quarantine the animal in such a manner as to protect others from contact with it, the animal control officer shall impound the animal and quarantine it at the city animal shelter at the owner's expense. (Ord. #93-5, June 1993)

10-220. Concealing animal kept in violation of this chapter a misdemeanor. Any person who shall hide, conceal or aid or assist in the hiding or concealing of any animal owned, kept or harbored in violation of any of the provisions of this chapter, shall be guilty of a misdemeanor. (Ord. #93-5, June 1993)

10-221. Dangerous and vicious dogs. (1) Dangerous and vicious dogs declared a hazard. Dogs within the City of Newport who by their nature, treatment, training or personality are unusually, overly, decidedly or deliberately aggressive toward persons or others animals are hereby declared to be a hazard to the public safety as "dangerous" or "vicious" dogs. The owners thereof shall be subject to additional restrictions and requirements for the keeping of such animals within the city and additional penalties if found in violation.

(a) Dangerous dogs. A dangerous dog shall be:

(i) Any dog which, according to the records of the Newport Police Department, has inflicted injury on a human being without provocation on public or private property; or

(ii) Any dog which, according to the records of the Newport Police Department, has killed a domestic animal without provocation while off of the owner's property; or

(iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

(iv) Any dog not owned by governmental or law enforcement used primarily to guard public or private property; or

(v) Any dog not owned by governmental or law enforcement trained to attack a human being or another animal upon voice command or hand signal given by its owner or handler.

(b) Vicious dogs. A vicious dog shall be any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, to domestic animals.

(2) Dogs involved in unprovoked fatal or severe attacks on humans.

(a) Deadly force may be utilized by the animal control officer or the Newport Police Department, or assigned agent (a licensed veterinarian) to effect the capture of any dog responsible for an unprovoked fatal or severe attack upon a human being or to prevent such an attack upon themselves or another when they believe an attack to be imminent or unavoidable in the course of their duties.

(b) A dog responsible for an unprovoked fatal or severe attack on a human being shall, if captured alive and in the custody of the city, be humanely euthanized following an investigation to clarify the circumstances of the incident and a reading from the municipal court to that effect. The cost of the euthanization of said animal will be at the expense of the owner.

(3) Requirements for keeping a dangerous or vicious dog. The owner of any dog ruled to be dangerous or vicious shall be required to meet the following conditions in order to keep the dog inside the city limits of Newport:

(a) The owner shall, at his own expense, have a "dangerous" or "vicious" dog number as assigned by the City of Newport Animal Control Department, tattooed upon such dog by a licensed veterinarian or by a person trained or authorized by a locally licensed veterinarian. The animal control officer shall designate the particular anatomical location of said tattoo.

(b) The animal will wear a "dangerous" dog collar, easily recognizable to the public, police and animal control officers, at all times, to identify the animal as a dangerous dog.

(c) The owner shall notify the Newport Police Department and animal control as soon as possible, but no more than eight (8) hours afterwards, if a dangerous or vicious dog is loose, unconfined or at large or has been sold, died, or given away.

Notification shall be made immediately if the dog has attacked a human being or another animal. If the dog has been sold or given away, the owner shall provide to the animal control officer the name, address and telephone number of the new owner, who must comply with the requirements of this chapter. The animal control officer will also notify the new owner of the animal's complete history.

(d) While on the owner's property, a dangerous or vicious dog must be securely confined indoors or in a securely enclosed (four sides and top) and locked pen or structure, suitable to prevent the entry of children

and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet (5' x 10') and must secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog.

(e) The owner shall conspicuously display a sign(s) on the premises warning that there is a "dangerous" dog on the property. This sign(s) shall be visible and capable of being read from the public highway or thoroughfare.

(f) A dangerous or vicious dog may be off the owner's premises only if it is muzzled and restrained by a substantial chain or leash not exceeding six feet (6') in length attached to a sturdy collar or halter and under the direct control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(g) The owner of a dangerous or vicious dog shall present to the city recorder and animal control officer proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering each twelve (12) month period. This policy shall contain a provision requiring that the City of Newport be named an additional insured for the sole purpose that the city be notified by the insurance company of any cancellation, termination or expiration of the policy.

(4) Declaring a dog as dangerous or vicious--procedure. (a) The court may rule a particular dog as dangerous following an examination of all facts, information, and evidence offered by animal control, the dog's owner, and any witnesses at a hearing held for that purpose. A dog's "breed" alone is not sufficient evidence to declare it as dangerous or vicious.

(b) If the animal suspected to be dangerous or vicious has been involved in an attack upon a human being the animal control officer shall attempt to capture and impound the dog. If the dog is captured alive and impounded in the city animal shelter or a local veterinary hospital or clinic, the animal control officer shall notify the city judge of the incident and the condition of the victim. The city judge shall then set an appropriate date for a dangerous or vicious dog hearing and issue a summons to the owner to appear.

(c) If the animal in question is killed during the capture on the complaint is based upon reasonable suspicion that it meets the criteria set forth in the subsection on dangerous dogs and vicious dogs of this chapter, the animal control officer shall issue the owner a citation and assign a date consistent with the city court's regularly scheduled court calendar.

(5) Time limits to comply with dangerous and vicious dog requirements. (a) The owner of any dog ruled as dangerous or vicious by the court, unless the dog is destroyed (euthanized), shall immediately comply with the "requirements for keeping a dangerous or vicious dog."

(b) An impounded dog ruled as dangerous or vicious by the court will not be released until the following requirements are met:

(i) A certificate of inspection is issued by animal control or code's enforcement stating that the pen or structure for the animal's confinement is in compliance with the guidelines in this chapter under "requirements for keeping a dangerous or vicious dog."

(ii) A certificate of liability insurance is presented to the court, with a copy on file with animal control.

(iii) All impound fees, fines and penalties are paid in full.

(6) Penalties. (a) If the dog was involved in an unprovoked attack on a human being, the penalty shall be confiscation and destruction of the animal and a fine of no less than fifty dollars (\$50.00).

(b) If the dog is ruled dangerous for any other reason the fine shall be no less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and the "requirements for keeping a dangerous or vicious dog" shall be imposed.

(c) If a dog previously ruled to be dangerous or vicious is found to be at large or improperly leashed and muzzled in a public place the fine shall be no less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the first offense. The fine shall be doubled for each succeeding offense with confiscation and destruction of the animal in addition to any fine upon a third offense violation.

(7) Liability of parents. If the owner of a dangerous or vicious dog is a minor, the parents or guardian of that of that minor shall be responsible for compliance with the specifications of the section for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog.

(8) Optional action. If the owner of a dog that has been designated dangerous is unwilling or unable to comply with this section for keeping such an animal, then he or she should have the animal humanely euthanized at his or her expense by a licensed veterinarian or may request that the animal shelter director have the procedure performed following the payment to the city of a twenty-five to thirty dollars (\$25.00/\$30.00) euthanasia fee.

(9) Dogs involved in provoked attacks. (a) A dog that has inflicted injuries under circumstances which indicate that the animal was provoked shall be required to be kept by the owner as outlined for dangerous or vicious dogs with the exception of the tattooing.

(b) No dog will be declared dangerous or vicious if the threat, injury or damage was sustained by a person who, at the time, was

committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or has in the past, been observed or reported to have teased, tormented, abused, or assaulted to commit a crime.

(10) Issuance of the "requirements for keeping a dangerous or vicious dog." (a) A copy of the requirements for keeping a dangerous or vicious dog shall be issued to each person the city court rules owns a dangerous dog.

(b) The animal control officer shall be responsible for supplying the city recorder's office with a supply of these requirements for insurance to the appropriate owners.

(11) Adoption of dangerous or vicious dog. (a) Any dog that has been designated as dangerous or vicious under this section may not be offered to the public for adoption.

(b) This shall include dogs which the animal control officer has in impound of an unclaimed nature and of unknown origin which through conduct or demeanor leads the animal control officer to believe that the animal is dangerous or vicious. (Ord. #93-5, June 1993)

10-222. Impoundment. (1) Impoundment; redemption; citations.

(a) Any animal found to be at large within the City of Newport, shall be picked up by the animal control officer and impounded in the city animal shelter and there be confined in a humane manner for a period of not less than three (3) days/seventy-two (72) hours (as required by state law).

(b) Animals which are not claimed by their owner or an authorized agent, so identified in writing by the owner, after the expiration of three (3) days, may be adopted to another party under the provisions of this section. If after three (3) days the animals are not claimed as provided for above, they may be disposed of at the discretion of the Director of the Newport Animal Shelter in a humane method.

(c) When animals are found running at large, and their ownership is known to animal control, such animals need not be impounded, but the animal control officer may, at his discretion, cite the owner of such animals to appear in court to answer to charges of violation of this section.

(2) Compliance with vaccination requirement; redemption by owner. The owner shall be entitled to resume possession of any impounded animal belonging to him on compliance with the vaccination requirements of the city, and upon payment of any and all fines as are hereafter set forth.

(3) Impoundment fees. (a) Any dog impounded hereunder may be redeemed, as provided above, upon payment by the owner to the Newport Animal Shelter the sum of seven dollars and fifty cents (\$7.50), pick-up fee, ten dollars (\$10.00), owner claim fee and the additional sum of three dollars and fifty cents (\$3.50) per day for each day such animal has been

maintained by the city animal shelter. Impound fees set forth herein shall be collected for the City of Newport and maintained for the maintenance and expenses of the Newport Animal Shelter. In addition, if the animals have not been vaccinated prior to being released from the shelter. The burden of proof as to the vaccination of an impounded animal shall be upon the party attempting to redeem the animal from the shelter.

(b) Any person redeeming unvaccinated animals shall after payment of the fee assessed herein and prior to taking possession of the animal, cause said animal to be vaccinated in accordance with the regulation of the City of Newport, and the cost for expense of such vaccination fee shall be paid by the party redeeming such animal and shall be in addition to the fees herein set.

(c) Animal control (animal shelter) shall keep complete and accurate records of all animals impounded, and should an owner's animal be impounded a second time, then in such event, animal control, prior to releasing said animal, shall require a fee of fifteen dollars (\$15.00) to be paid by such owner, plus ten dollars (\$10.00), plus three dollars and fifty cents (\$3.50) per day. Upon each subsequent impoundment of said owner's animal, the animal control officer shall not release said dog until the owner shall have paid a fee of twenty-five dollars (\$25.00), plus ten dollars (\$10.00), plus three dollars and fifty cents (\$3.50) per day. Upon a fourth impoundment, the animal may be seized and placed for adoption or euthanized.

The continual allowing of an animal to run at large shall be prima facie evidence of the owner's refusal to comply with the City of Newport Animal Control Codes.

(4) (a) Any animal impounded under provisions of this section and redeemed by its owner within three (3) days/seventy-two (72) hours may be adopted and the title to the animal transferred to some responsible and suitable owner, who will agree to comply with the provisions of this section and such other regulations as may be fixed by the shelter's adoption contact or the State of Tennessee.

(b) Any person adopting an animal impounded in the city animal shelter shall be exempt from any impound fees associated with that animal and shall be required to pay only the adoption fee for said animal fifty dollars (\$50.00) for a canine, (dog or puppy), and twenty-five dollars (\$25.00) for a feline, (cat or kitten).

(c) The Newport Animal Shelter reserves the authority to refuse any person the right to adopt any animal in the city shelter, for any reason(s). (Ord. #93-5, June 1993)

10-223. Fraudulent redemption or adoption of animals. (1) If any person shall obtain possession, custody, or adoption of any animal impounded

in the city animal shelter or in the custody of the animal control officer for on or behalf of the owner thereof for the purpose of avoiding payment of the fees and penalties imposed upon the owner by this section, both the owner of such animal and the person so obtaining possession, custody or adoption of the dog for the owner shall be deemed to have violated the terms of this section.

(2) Upon conviction of fraudulent redemption or adoption of an animal the owner shall be responsible for any fees or penalties due prior to the fraudulent redemption and both the owner and the person so obtaining possession, custody or adoption of the animal shall be fined no less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) each. (Ord. #93-5, June 1993)

10-224. Failure or refusal to redeem an impounded dog. (1) Should the owner of an animal impounded in the city animal shelter be known and made aware of his animal's impoundment or should identify himself as the owner to the animal control officer or shelter staff and then refuse or fail to redeem the impounded animal and pay the associated fees and penalties said owner shall be deemed to be in violation of this chapter.

(2) Upon conviction an owner failing or refusing to redeem an animal shall be fined no less than the amount consistent with the appropriate impound fee for that dog, plus three dollars and fifty cents (\$3.50) per day for each day held in the shelter for kennel care plus thirty dollars (\$30.00) euthanasia fee regardless of the eventual disposition of the impounded animal by animal control. (Ord. #93-5, June 1993)

10-225. Euthanasia of animals. (1) The animal control officer or shelter director shall be authorized to euthanize or have euthanized any animal which remains in impound and unclaimed for a period of three (3) days or more.

(2) The animal control officer shall be authorized to euthanize or have euthanized any animal which is found or reported to be injured to such an extent that it is suffering with little hope of recovery and the owner of which is unknown or not readily available to assume responsibility for the animal.

(3) The animal control officer shall be authorized to euthanize any stray or animal at large which is taken into custody that has no identity of ownership and which in the opinion of the animal control officer or shelter director is so disease ridden or physically impaired as to be suffering and impoundment of which would only prolong the condition.

(4) The animal shelter staff shall euthanize or have euthanized animals by a method approved by local licensed veterinarians and shall dispose of the remains in a sanitary way approved by the city under the state regulations. (Ord. #93-5, June 1993)

10-226. Veterinary care of sick or injured animals. (1) It shall be the duty of the animal shelter staff and/or animal control officer to seek prompt

veterinary care and treatment for any sick, injured, abused or neglected animal which is taken into custody or impounded in the city shelter.

(2) Expenses for such veterinary care shall be the responsibility of the owner of the animal if known, otherwise such expenses shall be paid by the City of Newport.

(3) The animal control officer shall also be authorized to call upon any of the locally licensed veterinarians for advice or assistance as may be necessary. (Ord. #93-5, June 1993)

10-227. Adoption disclaimer. (1) Although the animal control officer or shelter director shall make a reasonable effort through observation and routine care of animals impounded at the city animal shelter for obvious signs of disease and/or injury neither the city nor the animal control officer or shelter director can guarantee the medical, physical, emotional soundness of any animal adopted under the provisions of this chapter.

(2) The Newport Animal Shelter will not knowingly permit the adoption of an unfit animal. (Ord. #93-5, June 1993)

10-228. Removal and disposal of dog or cat feces from public or private property regulated. (1) Defecation on public or private property. No person owning or in charge of any dog or cat shall cause or allow such dog or cat to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, riverbank, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said private property.

(2) Removal of feces. Any person owning or in charge of any dog or cat which soils, defiles, defecates or commits any nuisance on any common thoroughfare, riverbank, passageway, bypath, play area, park or any place where people congregate or walk or upon public property whatsoever or upon any private property without the permission of owner or said property shall immediately remove feces deposited by any such dog or cat by any sanitary method approved by the local enforcement authority. Sanitary methods for removing all feces are mechanical devices such as poop scoopers, small shovels, etc.

(3) Sanitary disposal of feces. (a) The owner or person in charge of such dog or cat shall remove and dispose of all feces in a sealed, nonabsorbent, leak proof container, such as a sealed plastic bag. Such material shall not be disposed in public trash receptacles or storm drains.

(b) Any owner or person in charge of a dog or cat being walked upon any common thoroughfare, sidewalk, riverbank, passageway, bypath, play area, park or any place where people congregate must have in their possession their cleanup device and nonabsorbent leak proof container(s).

(4) Exceptions. Legally blind persons who may use dogs as guides shall be exempt from provisions of this section.

(5) Violations and penalties. Any person that violates the provisions of this section shall be subject to a fine of fifty dollars (\$50.00). (Ord. #2006-9, Oct. 2006)

10-229. Penalty. Any person found guilty of violating any provision of this chapter of the Code of Ordinances of the City of Newport shall be fined a sum not exceeding fifty dollars (\$50.00).¹ (Ord. #93-5, June 1993, modified)

¹Plus court costs, or damages if any.