

TITLE 3

ANIMALS AND FOWLS

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

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3-101. Running at large. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, cats or any other animals, or any chickens, ducks, geese, turkeys, birds, or any other fowl, domestic or otherwise, or any reptile of any kind, to knowingly or negligently allow or permit any of them to run at large upon any street, alley, unenclosed lot, or upon any neighbor's land within the corporate limits. (1979 code, § 3-101, as replaced by ord. No. 305)

3-102. Livestock dealings on streets. It shall be unlawful for any person to load, unload, sell, purchase, or offer to sell or purchase, any livestock of any kind upon any of the public streets, squares, or other thoroughfares of the city. (1979 code, § 3-102)

3-103. Keeping hogs within city. It shall be unlawful for any person to keep or maintain any hog or hog pen within the city except that the provisions

of this section shall not apply to dealers in hogs who shall be permitted to maintain hog pens in certain restricted areas of the city as set forth in the next section. (1979 code, § 3-103)

3-104. Location of pens, etc., of livestock traders. It shall be unlawful for any person trading in livestock to maintain or operate any yard, pen, or other place in the city where any hogs, cattle, or sheep are kept except within the areas where such uses are permitted under the terms and provisions of the zoning ordinance of the city. (1979 code, § 3-104)

3-105. Pens or enclosures 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, § 3-105)

3-106. Adequate food, water, and shelter, etc., to be provided. No animal or fowl of any kind 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, safe condition, and wholesomeness for food if so intended. (1979 code, § 3-106)

3-107. Keeping in such manner as to become a nuisance. 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, § 3-107)

3-108. Cruel treatment. it shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1979 code, § 3-108)

3-109. Appointment of a poundmaster. It shall be the duty of the city manager to appoint a poundmaster of the city who shall be in charge of the city pound. (1979 code, § 3-109)

3-110. Impoundment and disposition of animals. It shall be the duty of the poundmaster of the city to take up and impound all animals and fowl found running at large in violation of any provision of this chapter.

Upon the impounding of any such animal or fowl, the poundmaster shall notify the owner thereof, if known. If such owner does not redeem his animal or fowl from the pound and pay the impoundment fee and maintenance charges on the same within five (5) days after due notice from the poundmaster, the animal or fowl shall be sold by the poundmaster after five (5) days' notice of the place and day of sale. All such sales shall be for cash and the proceeds shall be disposed of as hereinafter provided. In case of the impoundment of any animal or fowl of unknown ownership, it shall be sold after giving ten (10) days' notice

by advertisement, in a newspaper of general circulation within the city, of its description and the time and place of its sale. The proceeds of such sale, after payment of the costs of advertising, shall be disposed of as hereinafter provided. (1979 code, § 3-110)

3-111. Disposition of proceeds of sale. All sums arising from the sale of any animal or fowl as hereinbefore provided, after paying the impoundment fee, maintenance charges, and cost of making the sale, shall be paid to the owner, if known. If the owner is not known, the unclaimed remainder shall be turned over to the city treasurer who shall hold such sums subject to the claim of the proper owner.

All such moneys remaining in the hands of the city treasurer for a period of twelve (12) months shall be forfeited to the use of the city. The city treasurer shall report all such forfeitures, separately from the other funds in his hands, to the city council. (1979 code, § 3-111)

3-112. Impoundment and maintenance charges. An impoundment fee and charge for the maintenance of impounded animals and fowl shall be charged in accordance with a schedule approved by the city council.

The poundmaster shall accept these fees in full satisfaction of all claims for impoundment and maintenance of impounded animals and fowl.

These charges shall be paid out of the proceeds of any sale of an impounded animal or fowl or by any owner redeeming his impounded animal or fowl. (1979 code, § 3-112)

3-113. Poundmaster to keep impounded animals or contract for feeding, etc. The poundmaster shall properly and safely feed and keep all animals and fowl impounded under the provisions of this chapter or he may contract with any competent person for their feeding and keeping. (1979 code, § 3-113)

3-114. Poundmaster clothed with police powers. For the purpose of enforcing the provisions of this chapter, the poundmaster shall be clothed with police powers. (1979 code, § 3-114)

3-115. Quarantines. The city council by resolution, or the health department by giving three (3) days' notice in any newspaper in the city, may declare a period of quarantine of dogs or any other domestic animals when it is reasonably believed that an epidemic of rabies is threatened. During such period dogs or such other domestic animals shall be kept in absolute confinement or subject to such other regulations as may be prescribed. It shall be unlawful for any person to violate the terms of any such quarantine. (1979 code, § 3-115)

CHAPTER 2

DOGS AND CATS

SECTION

- 3-201. Definitions.
- 3-202. Authority of animal control officers.
- 3-203. Inoculation required.
- 3-204. Prohibited acts.
- 3-205. Animal treatment.
- 3-206. Dangerous dogs.
- 3-207. Impoundment of dogs.
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- 3-209. Abatement of nuisance.
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3-201. Definitions. The following "definitions" shall apply to words and phrases in this chapter:

(1) "Animal control officer" includes officials designated as such by the city manager, or officials designated as "rabies control officers."

(2) "At large" means to be off the premises of the owner and not under the control of the owner or a competent individual by leash.

(3) "Attack" means to chase or approach a person or domestic animal in a menacing or threatening manner or apparent attitude of aggression off of the property, of its owner or custodian. "Attack" does not include actions by an animal in defense of itself or its owner or custodian against aggression by a person or another animal.

(4) "Authorized persons." Authorized persons shall mean the rabies control officer, animal control officer, city manager, city police officers, or public health officers.

(5) "Dangerous dog" means any dog that meets the definition in § 3-206 of this chapter.

(6) "Declared dangerous dog" means any dog that has been found to meet the definition of a dangerous dog and has been declared so by the owner, through a signed waiver of admission, or by the declaration of a court of competent jurisdiction.

(7) "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuildings, or business. Domestic animals include dogs, cats, birds, snakes, small rodents, rabbits, chickens (including roosters), ducks and other fowl which can be and are kept or raised in a home or lot. Animals not considered domestic animals are horses, cows, donkeys, goats, sheep and any endangered or exotic species of animal.

(8) "Impoundment" means the placement of an animal in the custody of the animal control department or an animal shelter, or with a veterinarian under the supervision of the animal control officer.

(9) "Nuisance." A dog or cat shall be considered a "nuisance" within the meaning of this chapter if it runs at large, attacks people or other animals, bites, attempts to bite, causes unsanitary or offensive conditions, chases pedestrians or moving vehicles, rummages through receptacles for trash and garbage, disturbs the peace and quiet of any neighborhood by loud and frequent barking, whining or howling, or otherwise creates disturbances of the peace, safety and quiet of any person(s).

(10) "Officer" includes any official with the power and authority of an officer of the peace, including the rabies control officer or animal control officer, who shall have such authority as an officer of the peace in relation to the necessary and proper carrying out of his duties as animal control officer.

(11) "Owner" means any person or entity that has a property right in an animal, or keeps or harbors an animal, or has an animal in his or her custody for five (5) or more days when the true owner of the animal is unknown to such person, or by agreement with the true owner of the animal has the animal in his or her care or acts as a caretaker or custodian of the animal, "owner" does not include the city or the county or any non-profit animal welfare agency that operates an animal shelter facility in an area zoned for such use.

(12) "Proper enclosure" means a place in which a dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve (12) and designed to prevent the dog from escaping. Such enclosure must have secure sides, and 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 shall provide protection for the dog from the elements and be of a suitable size for the dog. (1979 Code, § 3-201, as replaced by Ord. #295, §§ 1 and 7, and Ord. #821, June 2007)

3-202. Authority of animal control officers; bond. (1) Animal control officers of the City of Shelbyville, Tennessee, are hereby granted authority to enforce the provisions of this chapter and to issue citations and summons, and serve warrants for violations of this chapter and are hereby authorized to carry firearms to protect themselves if necessary from rabid or "dangerous" dogs as herein defined. They are also authorized to enter private premises in connection with alleged violations of this chapter and to capture dogs in violation of same.

(2) Animal control officers, before they enter upon their duties as provided herein, shall post with the city recorder an indemnity bond in the amount of five thousand dollars (\$5,000.00) payable to the City of Shelbyville, Tennessee. (1979 Code, § 3-201, as replaced by Ord. #295, §§ 2 and 7, and Ord. #821, June 2007)

3-203. Inoculation required. Dogs and cats shall be vaccinated as required by Tennessee Code Annotated, § 68-8-104. Proof of current vaccination shall be maintained by the owner or custodian of the animal, and provided to the animal control officer on demand. (1979 Code, § 3-203, as replaced by Ord. #295, §§ 3 and 7, and Ord. #821, June 2007)

3-204. Prohibited acts. The following acts are prohibited in the City of Shelbyville:

(1) Running at large. It shall be unlawful for any person negligently, willfully, or knowingly to permit any dog or cat under his or her ownership, custody, or control to go unrestrained upon the premises of another without the permission of the property owner or other person in control of the property or upon any public street or sidewalk or other public property in the city. Any dog or cat found running at large in violation of this section is declared to be a nuisance and is liable for impoundment and disposal as provided for in this chapter. Nothing in this section shall prohibit any dog or cat from appearing upon any street or other public place in the city if such dog or cat is under the full control of the owner or attendant by being held with a chain, strap, rope, or other leash of sufficient strength to prevent escape.

(2) Nuisance dogs and cats. It shall be unlawful for any person negligently, willfully, or knowingly to:

(a) Permit an animal to run at large, attack people or other animals, bite or attempt to bite any person;

(b) Maintain unsanitary or offensive conditions which result in offensive odors or are dangerous to the animal or the public health;

(c) Maintain a dog or cat that is diseased or dangerous to the public health;

(d) Permit a dog or cat to chase pedestrians or moving vehicles, rummage through receptacles for trash and garbage; or

(e) Permit any dog or cat to disturb the peace and quiet of any neighborhood by loud and frequent barking, whining or howling, or otherwise permit dog or cat behavior which results in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises or the peace, safety and quiet of any person(s).

(3) Multiple dogs out of doors. It shall be unlawful to keep, lodge or maintain domestic animals out of doors except in compliance with § 3-116 of this code.

(4) Mistreatment of animals. It shall be unlawful to mistreat an animal in violation of § 3-205.

(5) Dangerous dogs. It shall be unlawful to keep, maintain, or harbor a dangerous dog in violation of this chapter, or to have the custody of or own or possess a dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the court that has designated such dog as a dangerous dog.

(6) Concealing dogs or cats. It shall be unlawful for any person to hide, conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any provisions of this chapter.

(7) Sale or gifting of animals. It shall be unlawful for any person to display in public places within the city limits cats, dogs, or other domestic animals for the purpose of giving them away or selling them. Public places shall include, but not limited to shopping centers, storefronts, street corners, sidewalks, and businesses; provided however, this provision shall not apply to licensed dealers under §§ 44-17-101, et seq., at their place of business, or to the Shelbyville Bedford County Humane Association, Bedford County Animal Control, or Shelbyville Animal Control offering animals for adoption in compliance with Tennessee Code. Nothing in this section shall prevent a person from selling or giving away cats, dogs, or other domestic animals owned by that person from their own residence. (1979 Code, § 3-204, as replaced by Ord. #295, §§ 4 and 7, and Ord. #821, June 2007, and amended by Ord. #855, July 2008)

3-205. Animal treatment. (1) Every owner or keeper of a dog or cat shall see that such animal:

(a) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;

(b) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;

(c) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(d) Has reasonably necessary medical care, in addition to the required rabies vaccination, which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease;

(e) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the city and in effect from time to time.

(2) No animal shall be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck or by a leash less than ten (10) feet long, or by any leash or tether without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely.

(3) Where more than one (1) animal is kept in an enclosure out of doors, the animals may not be tethered or chained facing one another with less than a ten (10) foot separation between them when the tethers are fully

extended. (1979 Code, § 3-205, as replaced by Ord. #295, §§ 5 and 7, and Ord. #821, June 2007)

3-206. Dangerous dogs. (1) Dangerous dog defined. A dangerous dog is any dog:

- (a) With a known propensity or disposition, or whose conduct indicates same, to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- (b) That would cause a danger to human life or property if not kept in the manner required by this chapter; or
- (c) That has caused injury to a person without having been provoked by that person; or
- (d) At a place other than the owner's or keeper's property has:
 - (i) Chased or approached a person in a menacing manner or apparent attitude of attack; or
 - (ii) Attacked another domestic animal; or
- (e) Because of its training or behavior is capable of inflicting harm or death to humans; or
- (f) Has been owned, possessed, kept, used or trained in violation of Tennessee Code Annotated, § 39-14-203, or any subsequent statute; or
- (g) Has been declared by a court of competent jurisdiction to be a dangerous or vicious dog.

(2) Exemptions. No dog may be declared dangerous as a result of injury or damage if, at the time of injury or damage, the victim of the injury or damage was:

- (a) Committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog;
- (b) Teasing, tormenting, abusing or assaulting the dog; or
- (c) Committing or attempting to commit a crime.

No dog may be declared dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared dangerous if an injury or damage was sustained by a domestic animal, which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog.

(3) Confinement and restraint. The owner or custodian of any dog known by its owner or custodian to be a dangerous dog shall not allow or permit the dog to go unconfined in a proper enclosure unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(4) Signs. The owner of a dog known to be a dangerous dog shall display at all entry points on his or her premises a clearly visible warning sign

indicating that there is a dangerous dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. The sign shall be made with reflective letters not less than 1.5 inches in width and 1.5 inches in height and reading "Beware of Dangerous Dog."

(5) Citation based on sufficient cause. If an animal control officer or a law enforcement officer has investigated and determined that there is sufficient cause to believe a dog is dangerous, as defined herein, a civil warrant shall be issued and served upon the owner to appear in the City Court of Shelbyville for the purpose of determining whether or not the dog in question should be designated as a dangerous dog. The initial hearing should be scheduled not less than five (5) days or more than fifteen (15) days after service of the civil warrant upon the owner or keeper of the dog.

(6) Two or more dogs. If two (2) or more dogs jointly engage in any conduct described in this section, thus rendering proof of the individual dog that inflicted the particular injury difficult to ascertain, then regardless of the degree of participation by the individual dog(s), all such dogs shall be deemed dangerous dogs.

(7) Transfer of ownership prohibited. It shall be unlawful for any person who has been served with a citation to appear in a court of competent jurisdiction for the purpose of determining whether such person's dog should be designated as a dangerous dog to transfer ownership of such dog until after the court has issued a ruling on such citation. It shall be unlawful for any person whose dog has been designated as a dangerous dog to transfer ownership of such dog to another person without:

(a) Having advised such other person that the dog has been designated as a dangerous dog; and

(b) Having advised such other person in writing of the restrictions that have been placed upon such dog.

(8) Court imposes restrictions. Upon designating a dog as a dangerous dog, the court shall impose the restrictions on the owner of such dog as set forth in this chapter and may impose such additional restrictions as are appropriate under the circumstances of the case. The court shall reduce such restrictions to writing and have them served on the respondent. If the owner or keeper of the dog(s) is absent from the hearing, he or she shall be notified by the court in writing of the decision of the court and of any restrictions imposed upon the respondent, either personally through animal control or by first-class mail, postage prepaid. If a dog is declared to be dangerous, the owner or keeper shall comply with all restrictions imposed by this chapter and by the court.

(9) Mandatory restrictions for dangerous dogs. Once the court of competent jurisdiction designates the dog as a dangerous dog, the following shall be restrictions that are mandatory upon the owner or custodian of such dog:

(a) The dog must be kept securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked

pen or structure upon the premises of the owner of such dog. Such pen or enclosure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet.

(b) The owner must allow inspection of the dog and its enclosure by animal control and must produce, upon demand, proof of compliance with such restrictions.

(c) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the animal control department, to keep the dog on certain specified premises from the landlord or property owner.

(d) The owner or custodian shall post a sign having reflective letters and backing with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Dangerous Dog" in a conspicuous place at all entrances to the premises on or within which such dog is kept.

(e) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals.

(f) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public.

(g) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, inside or outside of its own separate enclosure.

(h) The owner of the animal or owner of the premises on which the animal is kept shall obtain and maintain public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death, or damage to personal property of, any person which may result from the 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.

(i) The owner or custodian shall have an identification microchip implanted in the dog, and provide the identification number of the chip to the animal control office.

(j) The owner of such dog shall register the dangerous dog with the animal control department, and provide and maintain a record that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord or property owner contact information, property/liability insurance carrier, vaccination, licensing and permit number, photo of the animal and any other information deemed necessary by animal control.

(k) Any other reasonable requirement specified by the court.

(10) Removal of designation of dangerous dog. No sooner than twelve (12) months after a court of competent jurisdiction has designated a dog a dangerous dog, the owner may petition animal control for a review of the circumstances of the dog and for a report for the court, and may thereafter petition the court to remove the designation upon a showing that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, training of the owner, confinement, etc., have mitigated the risk to the public safety.

(11) Impoundment of dogs threatening public safety. (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the animal control officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this chapter. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice of hearing to be held pursuant to this chapter to declare the dog dangerous.

(b) Any animal control officer may impound any designated dangerous dog if the animal control officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed, if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a dangerous dog shall surrender such a dog to any animal control officer or law enforcement officer upon demand. In the event such dog is impounded, the animal control officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(c) If a dog has been impounded pursuant to subsection (a) or subsection (b), the animal control director may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety.

(d) No dog that has been designated by the court as a dangerous dog may be released by animal control or a veterinarian until the owner has paid all veterinarian costs and all other fees and costs of the animal control shelter that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by animal control. Euthanasia or surrender to animal control of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of euthanasia or surrender.

(12) Destruction of dogs previously found to be dangerous. If any dog which has previously been found to be "dangerous" as is described herein shall be at large and shall attack or bite a human being, upon report to the animal control officer said dog shall be impounded and shall be confined the number of days as prescribed by the state health department and after said time shall be destroyed in a humane manner upon notice to the owner of said dog as is prescribed in § 3-207 of this chapter.

(13) Change of ownership, custody or location, or death of dog. (a) The owner or custodian of a designated dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen (15) days prior to the actual transfer or removal of the dog, notify animal control in writing of the name, address and telephone number of the proposed new location of the dog, and the name and description of the dog.

(b) The owner or custodian shall, in addition to the above, notify any new owner or custodian of a designated dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner or custodian shall also provide animal control with a copy of the notification to the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. The new owner or custodian shall comply with all court restrictions.

(c) If a designated dangerous dog should die, the owner or custodian shall notify animal control no later than twenty-four (24) hours thereafter and, upon request, from animal control shall produce the animal for verification or evidence of the dog's death that is satisfactory to animal control.

(d) If a dangerous dog escapes, the owner or custodian shall immediately notify animal control and make every reasonable effort to recapture the escaped dog to prevent injury or death to humans or domestic animals.

(e) The following persons must notify animal control when relocating a dog to Shelbyville even on a temporary basis:

(i) The owner of a dangerous dog that has been designated as such by another lawful body other than Shelbyville; and

(ii) The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than Shelbyville based upon the behavior of the dog.

No such designation as a dangerous dog or any other similar such designation shall be recognized by Shelbyville if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter. (1979 Code, § 3-206, as replaced by Ord. #295, §§ 6 and 7, and Ord. #821, June 2007)

3-207. Impoundment of dogs and cats. (1) It shall be the duty of the city police, animal control or rabies control officer or other authorized persons to seize and impound when found or come across by the officer, any "stray dog," "dangerous dog," dog reported or suspected of having rabies, dog or cat which is found to be a "nuisance," all as defined herein, or any dog or cat found "at large" or otherwise in violation of this chapter. It shall be required that any dog that has bitten a human being or has shown symptoms of rabies or is for any reason suspected of having rabies shall be reported by any citizen with knowledge of same to the animal or rabies control officer and said dog shall be immediately impounded, isolated, and confined under the supervision and observation of a licensed veterinarian and the animal control officer in the city animal shelter for such time as the veterinarian and the rabies control officer deem it necessary to protect the safety of the people and/or property. The animal may be quarantined at the facility of a licensed veterinarian with the permission of the animal control officer. In addition to the impoundment fee and boarding fees provided for in this chapter, the owner of said dog impounded for having bitten a human being or suspected of or showing symptoms of rabies shall pay a fee as set by resolution of the city council, which fee shall defray the expenses of the veterinarian under whose supervision the dog must be kept. All of said fees must be paid before the dog is relinquished to the owner at the end of the confinement.

(2) If the owner of any dog or cat confined under paragraph (1) of the section shall contest the validity or basis of said confinement, he shall file a petition contesting same before the city manager within five (5) days from the date of notice of confinement sent to him as is hereinafter provided or within five (5) days of confinement and the burden of proof shall be upon said owner to establish that said dog or cat was not validly confined under the provisions of paragraph (1) of this section. The decision of the city manager in such cases shall be binding and final except that the owner shall have a right to appeal such case to a court of competent jurisdiction.

(3) The animal control officer shall keep a record of each dog confined under paragraph (1) of the section, and all pertinent information relating to the dog, its license and its owners, which report shall be furnished to the city manager. (as added by Ord. #821, June 2007)

3-208. Impounded dog procedures; disposition. (1) If an impounded dog or cat is wearing a tag, the owner shall be notified on the day the dog is impounded, by postcard addressed to his last known mailing address to appear before the person designated in said notice (city manager or animal control officer) within five (5) days from the date of said notice and, except as hereinafter provided, to redeem his dog by paying such fees as are set by resolution of the city council and the payment of any license fee or, penalty assessed, if any, due at the time of impoundment. The said dog or cat may be disposed of by adoption, under terms imposed by paying the same fees, as if he

were the owner, including the pound fee, board fee and veterinary fee under terms imposed by the city manager, or by humane destruction; provided however, that if said impounded dog is a "dangerous dog," or a "nuisance," as defined herein, said dog shall not be released except under conditions prescribed by this chapter and the city manager. The dog or cat shall not be released to any group, organization, or person until said release is authorized by the city manager, provided further that if said dog constitutes a danger to the community in the opinion of the city manager, said official may order its destruction, as provided herein.

(2) If said dog or cat is not wearing a tag, the dog so seized and impounded shall be confined for a period of five (5) days after which it may be disposed of by adoption under terms imposed by this chapter, and by the payment of the fees set out in (1) above, or by humane destruction, all as provided in (1) above.

(3) No dog or cat shall be released in any event from the shelter unless and until it is in compliance with the Tennessee Spay/Neuter Law, Tennessee Code Annotated, § 44-17-501, or any successor statute, and it has been vaccinated and a tag purchased and placed on its collar, and a release fee as set by resolution of the city council, board bill, and veterinarian fee has been paid.

(4) Any owner wishing to contest the validity or basis for impoundment of his dog hereunder or any and all other decisions rendered prior to a formal hearing by the rabies control officer and/or city manager may file a petition before the city manager contesting same. At the hearing on said petition the burden of proof shall be upon the owner to prove the lack of basis for the impoundment of his dog or cat and any and all decisions theretofore rendered concerning said dog or cat. An owner shall have the right to appeal any final decision of the city manager upon such a petition and hearing to a court of competent jurisdiction within the time prescribed by law.

(5) City responsibility while dog or cat confined. The city and its officials shall not be responsible for any illness, disease, or death occurring to any dog or cat confined in the city animal shelter. (as added by Ord. #821, June 2007)

3-209. Abatement of nuisance. Upon the issuance of a citation or warrant signed by any person that the owner of a dog or cat is in violation of the provision of this chapter, the owner shall be required to appear before the court at the time designated in the citation or warrant to answer the charges brought against him or her, at which time city officials shall be present and shall present evidence for consideration by the court. (as added by Ord. #821, June 2007)

3-210. Violations; penalty. Violations of this chapter shall subject the violator to civil penalties for each day the violation continues. Each day of violation shall constitute a separate violation. In addition to any other remedies

at law, the City Shelbyville shall have the right to seek injunctive relief for any violation of this chapter. (as added by Ord. #821, June 2007)

3-211. Severability. The provisions of this chapter are hereby declared to be severable. If any of the sections, provisions, sentences, clauses, phrases or parts hereof be declared unconstitutional or void, the remainder of this act shall continue in full force and effect, it being the intent now hereby declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included herein. (as added by Ord. #821, June 2007)