

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Town declared to be a bird sanctuary; unlawful to kill birds.
- 10-102. Keeping chickens and other fowl within the town.
- 10-103. Keeping livestock in the town.
- 10-104. Livestock running at large prohibited.
- 10-105. Disposal of dead animals.
- 10-106. Prohibiting housing animals in the front yard of residences.

10-101. Town declared to be a bird sanctuary; unlawful to kill birds.

(1) The entire area within the town is hereby declared to be a bird sanctuary.

(2) It shall be unlawful for any person to kill a bird of any kind or description within the town. (1985 Code, § 3-101)

10-102. Keeping chickens and other fowl within the town. (1) It shall be unlawful for any person to keep ducks, geese, or other fowl in the town. It shall be unlawful for any person to keep chickens in the town, except by special permit issued by the town manager as provided in this section.

(2) The purpose of this section is to provide standards for the keeping of domesticated chickens within the town only where an appropriate permit has been obtained from the town manager. This section is intended to enable town residents to keep a small number of female chickens on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and neighborhood. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, attraction of predators, rodents, insects, or parasites, and unconfined animals leaving the owner's property. This section is intended to create licensing standards and requirements within the town on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the town.

(3) No permit shall be issued for any person to keep chickens within the town unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the town manager:

(a) No more than eight (8) hens shall be allowed for each single family dwelling. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.

(b) No roosters shall be allowed within the town.

(c) There shall be no outside slaughtering of birds in the town.

(d) Any chickens must be kept in a secure enclosure at all times (not visible from the street) which has been approved by the town manager or designee. The size of any outside enclosure shall be a minimum of ten (10) square feet and the outside enclosure shall be set back at least twenty-five feet (25') from any adjoining property line and at least fifty feet (50') from any stream. Variances for proper property line set backs may be obtained upon approval from the planning commission. The planning commission shall accept any variance for a property line set back less than twenty-five feet (25') as long as the adjoining property owner submits a letter of support. Upon change of ownership of the adjoining property, the variance will become null and the applicant will have thirty (30) days to bring a letter of support from the new property owner to the planning commission with a request for a new variance. The enclosure must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats. The enclosure shall provide a minimum of two (2) square feet space inside for each bird.

(e) The enclosure shall be approved by the town manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and locked at night.

(i) Opening windows and vents shall be covered with predator and bird-proof wire of less than one inch (1") openings.

(ii) The materials used in making the enclosure shall be uniform for each element of the structure within the town such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be well-maintained.

(iii) The enclosure shall be placed in the rear yard in a location where it is uniform and in harmony with other structures on the lot and is not visible from the street.

(iv) Enclosures shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met and sight obscuring fencing is constructed. No enclosure may be placed in front yards in the town.

(g) Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.

(h) Chicken feed must be kept in a rodent-proof container which is approved by the town manager and all chickens shall be humanely treated.

(i) Prior to purchasing any chickens pursuant to this section, any person within the town must obtain a permit from the town manager or his designee and an inspection shall be conducted of any proposed facility for housing chickens in accordance with this section. There shall be a permit fee of thirty-five dollars (\$35.00) for any person desiring to keep chickens within the town.

(j) The town manager or designee shall deny a permit to keep domesticated chickens within the town if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the town manager at any time when there is a risk from existing conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Any denial, revocation or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to appeal to the Signal Mountain Town Council within ten (10) days of the denial, revocation or suspension by the permit holder.

(k) Any landowner who has requested any permit for keeping chickens as allowed by this section since February 28, 2009 shall be considered a legal use within the town in compliance with this section. (1985 Code, § 3-102, as replaced by Ord. #2009-3, March 2009, amended by Ord. #2009-9, June 2009, replaced by Ord. #2010-6, April 2010, and amended by Ord. #2019-10, June 2018 ***Ch19_8-26-19***)

10-103. Keeping livestock in the town. Except as provided hereafter, it shall be unlawful for any person to keep swine, goats, sheep or other livestock within the town.

(1) Large livestock animals. For the purpose of this section, "large livestock animals" is limited to equines and goats. Large livestock animals may be kept in the part of the town zoned "Residential Estate District" under the following conditions.

(a) All livestock and any products produced therefrom shall be for private use only; no commercial operations permitted.

(b) Prior to the location of any livestock on a property any person must obtain a permit from the town manager or their designee, and an inspection will be conducted to ensure permittees are in compliance with this section. There shall be a permit fee of thirty-five dollars (\$35.00) and an annual renewal fee of fifteen dollars (\$15.00) for follow up inspections and the monitoring of complaints. The permit may be suspended or revoked by the town manager at any time when there is a risk from existing conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Before any permit may be issued, the permittee must comply with the regulations outlined in this section. The regulations in this section shall not apply to the keeping of chickens.

(c) The minimum lot size required for keeping large livestock is three (3) acres. On a three (3) acre lot, two (2) animals are allowed. For additional livestock, the following is required:

(i) For livestock that will on average weigh up to four hundred (400) pounds at maturity, one (1) additional animal is allowed for each additional one half (1/2) acre of land.

(ii) For livestock that will on average weigh more than four hundred (400) pounds at maturity, one (1) additional animal is allowed for each additional acre of land.

(d) The following shall apply to placement of any private stable or other structure used to house livestock:

(i) Front setback: sixty feet (60').

(ii) Side setbacks: twenty-five feet (25').

(iii) Rear setback: fifty feet (50').

(iv) Stream setback: fifty feet (50').

(v) Per § 10-106 of the town code, no livestock may be housed in the front yard of any residence.

(e) All livestock allowed under this section shall be fenced or otherwise restricted from access to adjoining properties or rights-of-way.

(f) Livestock or the keeping thereof shall not create a nuisance. For the purposes of this section "nuisance" shall include but not be limited to:

(i) Animal found at large or astray.

(ii) Animal damages the property of anyone other than its owner.

(iii) Animal excessively making disturbing noises.

(iv) Animal causing fouling of the air by odor and thereby creating unreasonable annoyance or discomfort to neighbors or others in close proximity to the premise where the animal is kept or harbored.

(v) Unsanitary conditions in enclosures or surroundings where animals are kept or harbored.

(g) Any person wishing to keep livestock other than goats or equines may seek approval from the board of zoning appeals. If the board of zoning appeals grants approval and all other requirements of this section are met, a permit may be issued.

(2) Small livestock animals. For the purpose of this section, "small livestock animals" is limited to miniature, dwarf or pygmy breed goats that generally do not exceed a height of thirty inches (30") (at highest point of withers) and weigh no more than ninety (90) pounds at maturity. Small livestock animals may be kept on single family residential properties under the following conditions.

(a) All livestock and any products produced therefrom shall be for private use only; no commercial operations permitted.

(b) Prior to the location of any livestock on a property any person must obtain a permit from the town manager or their designee, and an inspection will be conducted to ensure permittees are in compliance with this section. There shall be a permit fee of thirty-five dollars (\$35.00) and an annual renewal fee of fifteen dollars (\$15.00) for follow up inspections and the monitoring of complaints. The permit may be suspended or revoked by the town manager at any time when there is a risk from existing conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Before any permit may be issued, the permittee must comply with the regulations outlined in this section. The regulations in this section shall not apply to the keeping of chickens.

(c) The minimum lot size for keeping small livestock animals is two (2) acres.

(d) A minimum of two (2) animals must be kept. On a two (2) acre lot, two (2) small livestock animals may be kept. One (1) additional animal is allowed for each additional one half (1/2) acre of land above two (2) acres.

(e) All livestock allowed under this section shall be fenced or otherwise restricted from access to adjoining properties or rights-of-way. Outdoor enclosures shall be a minimum of five hundred (500) square feet or two hundred (200) square feet per animal, whichever is greater.

(f) All animals must be dehorned/disbudded.

(g) All male animals must be neutered.

(h) Structures used to house small livestock animals must be designed to:

(i) Provide dry shelter, free of excess drafts and other environmental encroachments.

(ii) Be predator proof.

(iii) Be easily accessed and cleaned.

(iv) Provide a minimum of fifteen (15) square feet of interior space or five (5) square feet per animal, whichever is greater.

(i) The following shall apply to placement of any structure used to house livestock:

(i) Front setback: sixty feet (60').

(ii) Side setbacks: twenty-five feet (25').

(iii) Rear setback: fifty feet (50').

(iv) Stream setback: fifty feet (50').

(v) Per § 10-106 of the town code, no livestock may be housed in the front yard of any residence.

(j) Livestock or the keeping thereof shall not create a nuisance. For the purposes of this section "nuisance" shall include but not be limited to:

(i) Animal found at large or astray.

(ii) Animal damages the property of anyone other than its owner.

(iii) Animal excessively making disturbing noises.

(iv) Animal causing fouling of the air by odor and thereby creating unreasonable annoyance or discomfort to neighbors or others in close proximity to the premise where the animal is kept or harbored.

(v) Unsanitary conditions in enclosures or surroundings where animals are kept or harbored

(k) The ordinance creating this section, § 10-103(2), shall be effective for one (1) year from the date of its enactment to allow consideration of the use of small livestock animals within the Town of Signal Mountain on a trial basis. There shall be a sunset on the keeping of small livestock animals within the town on November 12, 2019 unless this section is approved to be extended by the town council prior that time. If the town council declines extension of this ordinance, the keeping of small livestock animals as allowed by this section shall not be considered a legal nonconforming use within the town thereafter, unless approved by separate action of the town council. (1985 Code, § 3-103, as replaced by Ord. #96-1, § 1, Feb. 1996, and Ord. #2019-06 April 2019 *Ch19_8-26-19*)

10-104. Livestock running at large prohibited. It shall be unlawful for any person owning any livestock to permit or suffer the livestock to run at large in the town. Any livestock running at large in the town shall be subject to impoundment by a person duly qualified and appointed by the town council for that purpose and may be recovered by the owner on payment of expenses incurred by the town for impounding.

Unclaimed animals may be disposed of as the Humane Educational Society may direct. Dangerous or diseased animals may be impounded and destroyed by the Humane Educational Society. (1985 Code, § 3-104, as replaced by Ord. #96-1, § 2, Feb. 1996; and further replaced by Ord. #96-5, § 1, June 1996)

10-105. Disposal of dead animals. (1) When any animal dies, the owner or person in possession of it shall, within twelve (12) hours thereafter, cause the carcass to be removed and buried, burned or so disposed of that it shall not become a nuisance.

(2) The carcasses of animals which have been destroyed knowing to being infected with any form of contagious disease, shall be completely burned or buried to the satisfaction of the health officer by the owner or person in possession thereof so as to prevent the possibility of other animals becoming infected. (1985 Code, § 3-105)

10-106. Prohibiting housing animals in the front yard of residences. Housing of any type of animal in the front yard of residences is prohibited, including animal cages with or without the animals in them. Front yards are defined as the portion of the yard from the forward most front part of the residential structure to the street. This does not apply to small bird houses. (As added by Ord. #2000-3, Feb. 2000)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Keeping or harboring cat or dog considered ownership thereof.
- 10-202. Dogs and cats required to be inoculated against rabies.
- 10-203. Dogs required to wear tags; dogs without tags to be impounded.
- 10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance.
- 10-205. Seizure of dangerous dogs and cats.
- 10-206. [Deleted.]
- 10-207. Disposition of impounded dogs and cats.
- 10-208. Female dogs in season to be confined.
- 10-209. Vicious dog.
- 10-210. Removal.
- 10-211. Enforcement.
- 10-212. Violations.

10-201. Keeping or harboring cat or dog considered ownership thereof. If any dog or cat is found on the premises of any person for a period of five (5) or more days such fact shall be prima facie evidence that the dog or cat belongs to the occupant of such premises, and any person keeping or harboring a dog or cat for five (5) consecutive days shall, for the purpose of this chapter, be declared to be the owner and liable for any violations of this chapter. (1985 Code, § 3-201, as replaced by Ord. #2010-15, Oct. 2010 and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-202. Dogs and cats required to be inoculated against rabies. Whoever owns, keeps, or harbors any dog or cat within the corporate limits of the town shall have such dog or cat properly inoculated or immunized against rabies and remain current on rabies vaccination in accordance with county and state law; provided, however, that any dogs and cats need not be inoculated before they reach the age of three (3) months. The record of inoculation or re-inoculation shall be subject to inspection by a person appointed by the town council, and the owner or keeper of the dog or cat shall secure an approved tag that shall contain thereof the year of inoculation and a number which shall correspond with the number on the record kept by person inoculating or re-inoculating such dog or cat. (1985 Code, § 3-202, as replaced by Ord. #94-2, § 1, March 1994, Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-203. Dogs required to wear tags; dogs without tags to be impounded. It shall be unlawful for any person to own, keep or harbor any dog which does not wear a tag evidencing the vaccination required by this chapter. Animals

found without a tag shall be impounded by persons duly qualified and appointed by the town council for that purpose and may be recovered by the owner on payment of the fee set by the entity the town council has designated to enforce animal control.

Unclaimed animals may be disposed of after seven (7) days' notice to the owner, if ownership can be determined, in such manner as the town council or the designee to enforce animal control may direct. Dangerous or diseased animals may be impounded and destroyed after seven (7) days' notice to the owner, if ownership can be determined, in such manner as the entity the town council has designated to enforce animal control may direct.

No person shall bring a dog into the town for sale, exchange or giving away unless such dog has been inoculated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog or cat in his possession of certificate of the person making the vaccination or inoculation; unless such dog is kept confined or on a leash. (Ord. of Dec. 12, 1988, as replaced by Ord. #94-2, § 2, March 1994, Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 ***Ch20_06-28-21***)

10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance. (1) It shall be unlawful for any person to allow any dog or cat owned or under such person's control to create a nuisance. Any dog or cat found creating a nuisance in violation of this chapter, any dog or cat required to be inoculated or immunized against rabies and found to be not inoculated or immunized against rabies, and any dog or cat affected by rabies or reasonably suspected by a veterinarian or the entity designated by the town council to enforce animal control of being affected by rabies, is declared to be a public nuisance animal and the person owning or in control of such animal is liable to pay any costs of impoundment of such animal by the entity the town council has designated to enforce animal control.

(2) The term "public nuisance animal" shall mean, but not be limited to, any dog or cat or other domestic animal that on one (1) or more occasion commits any of the following acts of nuisance in the town:

- (a) Is found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Molests or intimidates pedestrians or passersby;
- (d) Chases vehicles;
- (e) Excessively makes disturbing noises;
- (f) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
- (g) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

(3) No dog may run at large or astray on the premises of another or upon any public street or sidewalk or other public property in the town unless

such dog is on a leash and attended by the owner or his representative on a leash or other physical confinement.

(4) Any animal running at large committing an act of nuisance as above defined shall be subject to impoundment by the entity the town council has designated to enforce animal control or other person appointed by the town council, and any costs associated with such impoundment may be recovered from its owner, or such animal may be disposed of as provided in § 10-207.

(5) If a dog or cat commits one of the above acts of nuisance, in lieu of picking up the dog or cat and impounding it, the owner or person having control of the dog or cat may be cited to court, and if found guilty, the owner or person having control of the dog or cat shall be fined according to the general penalty provision of this code of ordinances.

(6) If a person is found guilty of allowing any dog or cat to commit a nuisance offense as defined in subsection (2) above, then such person may be required to confine the dog or cat and never permit it to run at large in the town again. If it is again found committing a nuisance, the town judge may order such person to remove the dog or cat from the town, or it may be disposed of as directed by the entity the town council has designated to enforce animal control. (1985 Code, § 3-204, as amended by Ord. # 90-6, and # 90-7, and replaced by Ord. #2010-15, Oct. 2010 and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-205. Seizure of dangerous dogs and cats. The entity the town council has designated to enforce animal control, police or other designated person shall seize and impound any dog or cat under the following circumstances:

(1) If the dog or cat is rabid, or the entity the town council has designated to enforce animal control, or other designated person, has reasonable cause to suspect the dog or cat to be rabid;

(2) If the dog or cat has been bitten by another dog or cat which is under suspicion of being rabid;

(3) The dog or cat is behaving viciously or out of control; or

(4) If in the attempt to seize any dog or cat, it is impossible or impractical to secure it safely with the hands, the entity the town council has designated to enforce animal control or other designated person may apprehend the dog or cat by use of a tranquilizer gun (or other similar device not intended to kill or maim the dog or cat). If such method of apprehension fails or is impractical, and a representative of the town is convinced that public welfare and safety demand prompt and drastic action, he may destroy the animal by shooting it; provided he is close enough to the animal to kill it humanely and in a manner that no human life may be imperiled by his action. (1985 Code, § 3-205, as replaced by Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-206. [Deleted.] (1985 Code, § 3-206, as deleted by Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-207. Disposition of impounded dogs and cats. Dogs and cats impounded under the provisions of this chapter shall be disposed of as follows:

(1) Any dog or cat impounded in violation of this chapter shall be kept for a period established by Tennessee Code Annotated, §§ 39-14-207 or 39-14-210 after notice actually served upon the owner and after all reasonable attempts to notify the owner; and if such dog or cat is not redeemed within such period, it may be humanely destroyed or otherwise disposed of as the entity the town council has designated may direct pursuant to Tennessee law.

(2) The owner of any dog or cat may claim and redeem it by paying the person designated by the town council an impoundment fee set by the entity the town council has designated to enforce animal control.

(3) Every dog or cat which has bitten a human or has been exposed to rabies or which is suspected of having rabies shall be impounded for a period of ten (10) days or more by the entity the town council has designated to enforce animal control, or, at the option of the owner of such dog or cat, shall be detained in a reputable veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the charges while such dog or cat is confined therein. During such confinement, the dog or cat shall be under the observation and supervision of the Hamilton County Director of Public Health, and it shall be released or humanely destroyed by the poundkeeper after the termination of the observation period according to the instructions from the director of public health. The director of public health may order the poundkeeper to destroy such dog or cat at any time during the period of observation of evidence as such as to convince the director that the dog or cat has rabies. During the period of observation, the owner of such dog or cat shall be liable for reasonable board fees, if such dog or cat is confined at the pound. (1985 Code, § 3-207, as amended by Ord. #94-2, § 4, March 1994, and replaced by Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-208. Female dogs in season to be confined. Every owner of a female dog in season is required to confine the same in such manner as not to attract other dogs for twenty-four (24) days during the time that she is in season. (1985 Code, § 3-208, and replaced by Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-209. Vicious dog. (1) For the purpose of this section, "vicious dog" means:

(a) Any dog which has bitten a human being or domestic animal one (1) or more times without provocation;

(b) Any dog that is reported and confirmed by an investigating authority to have a history, tendency or disposition to attack, to cause

injury or to otherwise endanger the safety of human beings or domestic animals;

(c) Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or

(d) Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Tennessee or the United States or a branch of the armed forces of the United States or a dog previously owned and retired from any of the preceding agencies which is owned by a trained handler.

(2) The town manager or designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may direct an investigation be conducted by the Signal Mountain Police Department. Upon completion of that investigation, a report will be delivered to the chief of police or designee.

If the chief of police or designee determines such dog to be a vicious dog, the vicious dog's owner shall be notified by certified mail, return receipt requested, or personal delivery with a witness. Such notice shall require the owner of the vicious dog to immediately comply with subsection (3)(d) below or, within twenty-four (24) hours, deliver the vicious dog to the Hamilton County Humane Education Society (HES) or other entity that the town has contracted to provide this service, where the vicious dog will be kept at the owner's expense until the first of the following takes place:

(a) The owner of the vicious dog completes the application to register the vicious dog;

(b) The administrative procedure outlined in subsection (4) below is resolved; or

(c) The dog is removed from the town permanently. If the owner fails to deliver the vicious dog to the pound, the town manager or designee shall confiscate the vicious dog and take it to the pound.

(3) A person who harbors or keeps a vicious dog within the limits of the Town of Signal Mountain must register the vicious dog by submitting an application to the Town of Signal Mountain.

(a) An application to register a vicious dog must:

(i) Provide the name, address, email address and phone number of the owner of the vicious dog and any person who keeps the vicious dog, if it is not kept by the owner more than fifty (50) weeks out of any given year;

(ii) Include the fifty dollar (\$50.00) initial registration fee;

(iii) Provide the name, birth year and breed of the vicious dog;

(iv) Be accompanied by a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a

homeowner's policy, with a minimum liability amount of three hundred thousand dollars (\$300,000.00) for the injury or death of any person, for damage to property, possessions and/or animals of others and for acts of negligence by the owner, or his or her agents, in the keeping or owning of such vicious dog. Said certificate shall require notice to the town in the event the underlying policy of insurance is cancelled for any reason;

(v) Include two (2) color photos of the dog; and

(vi) Following initial registration, the owner of a vicious dog must provide the town with an updated registration packet, meeting all of the above requirements, along with the twenty-five dollar (\$25.00) annual fee, on or before December 31 of each subsequent year, for as long as the vicious dog is kept within the Town of Signal Mountain. The first update will be waived if it comes due less than six (6) months after initial registration.

(d) The owner of a vicious dog shall confine such vicious dog within a building or secure enclosure where the vicious dog resides and shall not take such vicious dog out of the building or secure enclosure unless such vicious dog is securely muzzled.

(e) The owner of a vicious dog shall post in a conspicuous place at each entrance to such building or enclosure, including within five feet (5') from the edge of the street at any point where a driveway or sidewalk meets the street from the owner's property or other place where the vicious dog resides, a clearly legible and visible sign warning all persons preparing to enter said building or enclosure, sidewalk or driveway of the dangerous propensities of the vicious dog confined therein.

(f) The owner of the vicious dog shall be required to notify the town within twenty-four (24) hours of any transfer of ownership of the vicious dog, the vicious dog's escape or death, any change of address by the owner (or the person who keeps the vicious dog, if not the owner), and/or birth of offspring to the vicious dog.

(4) Appeals.

(a) Within seven (7) days of receipt of the notice from the chief of police or designee declaring his or her dog a vicious dog, the owner may contest the vicious dog declaration by the chief of police or designee by delivering an objection to the declaration to the town manager at the Signal Mountain Town Hall. If the seventh day falls upon a holiday or weekend or other day that the Signal Mountain Town Hall is not open for business, the deadline shall be extended to the next business day. After receipt of the objection, the town manager shall schedule and conduct a hearing on the matter as soon as practicable. The owner of the vicious dog shall be given not less than seventy-two (72) hours written notice of the time and place of said hearing. Said notice shall state a description of the vicious dog in question and the basis for the determination that the dog

is a vicious dog. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(b) If, after a hearing, the town manager or designee affirms the declaration that the dog is a vicious dog, the town manager or designee shall order the owner of the vicious dog to comply with the provisions pertaining to vicious dogs as required by this chapter or remove it from the town.

(c) The order issued by the town manager or designee shall immediately be served upon the owner or other person who is in control of the vicious dog in the same manner as the notice of hearing. The order to register and confine, or remove a vicious dog from the town issued by the town manager or his or her designee may be appealed to the town council. In order to appeal such order, written notice of appeal must be filed with the town recorder within five (5) business days after delivery of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the town manager or designee. If the owner of the vicious dog appeals the order to the town council, the owner must comply with the requirements laid out above for confinement or keep the vicious dog impounded at the expense of the owner until the town council makes a decision on the appeal.

(d) If no appeal is filed, the owner of the vicious dog shall have three (3) additional days after the expiration of the time for appeal within which to comply with the order of the town manager or designee. If the owner of the vicious dog does not comply with the order on or before the eighth day after the order is delivered to the owner of the vicious dog, the town manager or designee is authorized to seize and impound the vicious dog at the owner's expense. A vicious dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the owner of the vicious dog has not complied with the order of the town manager or designee, the town manager or designee shall cause the vicious dog to be destroyed.

(e) If a notice of appeal is filed with the town council, the notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town recorder. The hearing of such appeal shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the town council may affirm or reverse the order of the town manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the town recorder within three (3) days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the town manager or designee and the arguments of the parties or their representative, but no additional evidence shall be taken.

(f) If the town council affirms the order of the town manager or designee, the town council shall order in its written decision that the owner of the vicious dog shall register and confine said vicious dog as required by this chapter or remove such vicious dog from the town. The decision and order shall immediately be served upon the owner of the vicious dog in the same manner as the notice set out in subsection 5.(a) above. If the owner of the vicious dog does not comply with the order of the town council after appeal within three (3) days of its issuance, the chief of police or his or her designee is authorized to seize and impound such vicious dog. A vicious dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the owner of the vicious dog has not petitioned the town judge for a review of said order, or has not complied with the order, the town manager or his or her designee shall cause the dog to be destroyed.

(5) All unregistered vicious dogs shall be deemed illegal animals. Any person found harboring or keeping an unregistered vicious dog shall submit an application to register the vicious dog within five (5) days of receiving notice from the Town of Signal Mountain or its designee. If no application to register is timely submitted, the person found harboring or keeping an unregistered vicious dog shall immediately have the illegal animal removed from the town limits. If the illegal animal is thereafter found in the town while unregistered or if the person harboring or keeping the illegal animal fails to remove it from the town within ten (10) days after being notified by the town, then the vicious dog shall be destroyed. This section shall not apply to a dog which, upon initial notice to its owner, the owner agrees to properly register and confine; or to a dog for which a hearing has been requested under this chapter to determine if it is a vicious dog until there has been a final decision on the questions raised at a hearing at which time the owner may, if the dog is found to be a vicious dog, properly register and confine said dog.

(6) Any dog which is alleged to be vicious and which is under impoundment shall be held at the expense of the owner pending the outcome of any hearing. All costs of such impoundment shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, all costs shall be paid by the town except costs attributable to initial confinement prior to notice or cost of any required impoundment which shall nonetheless be paid by the owner.

(7) Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the town and the owner may be cited to municipal court pursuant to § 10-212 below. (Ord. #90-6, Nov. 1990, as amended by Ord. #98-4, March 1998, and replaced by Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-210. Removal. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the town shall be so removed by its owner or the person harboring or having control of such animal who shall provide the chief of police a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the town shall be destroyed. (as added by Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-211. Enforcement. The entity the town council has designated to enforce animal control or other person appointed by the town council, shall implement and enforce the provisions of this chapter and shall have the power to make citations for any violation thereof to the town judge. It shall be unlawful for any person to hinder, molest or interfere with such society or person in the performance of their duties hereunder. (1985 Code, § 3-209, as replaced by Ord. #2010-15, Oct. 2010, and Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)

10-212. Violations. Any person who owns, keeps, or harbors a dog or cat in violation of any provision of this chapter, who fails or refuses to have such dog or cat inoculated or reinoculated against rabies, or who obstructs or interferes in any manner with the enforcement of this chapter, shall be cited to the town judge and is subject to punishment of fines, costs, and penalties as set forth in this municipal code and authorized by Tennessee Code Annotated, § 6-54-308. (as added by Ord. #2020-01, Feb. 2020 **Ch20_06-28-21**)