

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

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10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cattle, cows, swine, sheep, horses, mules, goats, or other domestic animal, or any chickens, ducks, geese, turkeys, or other domestic fowl, to permit them, or any of them, to run at large within the city. (1976 Code, § 3-101)

10-102. Seizure and disposition for running at large. Any animal or fowl found running at large in violation of the preceding section may be seized by the health officer or any police officer and impounded in a suitable place provided or designated by the board of mayor and aldermen. The owner of any such impounded animal or fowl, if known, shall be notified immediately, either personally or by telephone or post card, to claim his animal or fowl by payment of the pound fee of one dollar and fifty cents (\$1.50) plus actual expenses incurred by the city, within ten (10) days. If the owner is not known, then a public notice briefly describing the impounded animal or fowl and giving notice

¹Charter reference

Regulation and impoundment of animals: § 3(19).

of its impoundment and the time it may be claimed shall be posted in at least three (3) public places within the city or run three (3) times in a local newspaper. In the event an impounded animal or fowl is not claimed and the costs paid within ten (10) days, it may be sold, given away, or otherwise humanely disposed of by the chief of police. When a sale is made, any proceeds over and above the costs incurred by the city shall be remitted to the owner of the animal or fowl sold, if known. Otherwise any such surplus shall be paid into the general fund of the city. (1976 Code, § 3-102)

10-103. 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. (1976 Code, § 3-103)

10-104. Pen or enclosure to be kept clean. When animals or fowls are kept within the city, the building, structure, corral, pen or enclosure in which they are kept shall be maintained in a clean and sanitary condition at all times. (1976 Code, § 3-104)

10-105. Adequate water, shelter, etc., to be provided. No animals or fowls of any kind shall be kept or confined in any place where the water, shelter, ventilation and food are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. (1976 Code, § 3-105)

10-106. Cruelty to animals. It shall be unlawful for any person to be guilty of cruel and inhumane treatment of any dumb animal. (1976 Code, § 3-106)

10-107. Not to be left unattended or hitched to utility poles, etc. No person shall leave any unattended horse, mule or other animal standing on any public street or alley within the city. Furthermore, it shall be unlawful for any person to hitch any animal to any utility or telephone pole or to any parking meter within the city. (1976 Code, § 3-107)

10-108. Bells not to be put on cows. It shall be unlawful for any person to attach or put any bell on any cow or cattle. (1976 Code, § 3-108)

10-109. Restriction on keeping hogs. No hogs or pigs shall be kept within the city except on farming lands. For the purpose of this section, no field less than one (1) acre in extent shall be classed as farming lands and no more than one hog or pig shall be kept for each acre of farming land. (1976 Code, § 3-109)

10-110. Commercial butchering prohibited. No person, firm or corporation shall butcher any beef, hog, or sheep for commercial purposes within the city. (1976 Code, § 3-110)

CHAPTER 2

DOGS

SECTION

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10-201. Definitions. The following definitions shall apply in the interpretation and the enforcement of this chapter:

(1) "Dog" includes all members of the species *Canis Familiaris*, male or female.

(2) "Owner" includes any person, firm, or corporation owning, harboring, or keeping a dog; the occupant of any premises on which a dog remains or to which it customarily returns is presumed to be the owner of the dog within the meaning of this chapter.

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

(4) "At large" means to be off the premises of the owner and not under the control of the owner or a member of his immediate family over twelve (12) years of age, either by leash or otherwise; to be off the premises of the owner and in violation of §§ 10-202, 10-203, and 10-204 of this chapter or to be off the

premises of the owner and be a "nuisance" or "vicious dog," as are hereinafter defined.

(5) "Leash" means a cord, thong, or chain, not more than ten (10) feet in length, by which a dog is controlled by the person accompanying it.

(6) "Inoculation" means the subcutaneous injection at one (1) time but in several sites if necessary of a standard vaccine for dogs, which vaccine meets the standards prescribed by the United States Department of Agriculture and/or the United States Health Service for interstate sale.

(7) "Stray dogs" means any dog that has no apparent owner or one that has migrated from the outside of the city limits and has remained at large for more than twenty-four (24) hours.

(8) "In season" or "in heat" mean that periodic manifestation of the natural reproductive function during which an unspayed female dog becomes extraordinarily attractive to males.

(9) "Vicious dog" means one which has maliciously and without provocation attacked and bitten or attempted to attack and bite a human being.

(10) "Nuisance." A dog shall be considered a nuisance within the meaning of this chapter if it barks, howls, bits, attempts to bite, chases pedestrians and/or moving vehicles, rummages through receptacles for trash and garbage or otherwise creates disturbances of the peace, safety, and quiet of any person. (Ord. #186, _____)

10-202. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies law. (Ord. #186, _____)

10-203. Dogs to wear tags. It shall be unlawful for any person to own, keep or harbor any dog which does not wear a tag evidencing the vaccination required in the preceding section. (Ord. #186, _____)

10-204. Vicious dogs to be securely restrained. (1) 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 the same to the rabies control officer and shall be immediately impounded, isolated, and confined under the supervision and observation of a licensed veterinarian and the rabies control officer in the city animal shelter for such time as the veterinarian and rabies control officer deem it necessary to protect the safety of the people and/or property. In addition to the impoundment fee and the boarding fees provided for in § 10-206 of this chapter, the owner of said impounded dog shall pay a fee of \$10.00, 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 confinement.

(2) If the owner of any dog confined under subsection (1) of this section shall contest the validity or basis of said confinement, he shall file a petition contesting same before the city judge 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 was not validly confined under the provisions of subsection (1) of this section. The decision of the city judge 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 rabies control officer shall keep a record of each dog confined under subsection (1) of this section, which record shall include the name and address of the informant whose report caused the confinement and all pertinent information relating to the dog, its tag, and its owners, which report shall be furnished to the city judge upon his request. (Ord. #186, _____)

10-205. Confinement of female dogs in season. All female dogs within the city shall upon coming in season be kept in a securely closed building or under the complete control of the owner by the use of a leash for a minimum period of twenty-four (24) days, beginning the first day that evidence of attraction is noticeable. Any dog not so kept shall constitute a nuisance and a violation of this chapter, and the owner shall be subject to fine. (Ord. #186, _____)

10-206. Running at large prohibited. It shall be unlawful for any person to permit any dog owned by him or under his control to run at large within the city. (Ord. #186, _____)

10-207. Impoundment and sale of dogs running at large. (1) It shall be the duty of the city police, rabies control officer and/or other authorized persons to seize and impound any stray dog, dog which is found to be a nuisance, or any dog found at large and in violation of this chapter.

(2) If owner of said dog can be identified, the owner shall be notified by telephone call or post card of his dog's violation and given two (2) days to comply with the city code (§ 10-205). If the owner does not bring his dog within compliance with § 10-205 or if the animal is found to be in violation for a second time, said animal shall be impounded; said owner shall then be notified by registered mail at his last known address and assessed an impoundment fee of \$_____ plus a boarding fee of \$3.00 per day for the period of impoundment, or said dog will be disposed of by sale or, if not purchased, by humane destruction.

(3) If said dog is found to be in violation of the city code (§ 10-205) for a third time, said animal shall be impounded and the owner shall be issued a

citation to appear before the city judge within five (5) days or the next court date to hear the complaint lodged against him.

(4) If said dog is not wearing a tag, the dog so seized and impounded shall be confined for a period of not less than ten (10) days unless it is so injured or diseased as to require immediate humane disposal. After a minimum of ten (10) days a dog not wearing a tag and thus considered to be a stray may be disposed of by sale, or if not purchased, by gift under terms imposed by the rabies control officer, or by humane destruction; provided that at any time after seizure and impoundment, the owner of a dog so seized and impounded may redeem said dog by a payment of the charges and fees set out in subsection (2) of this section, said charges and fees to be subject to review and revision at the beginning of each fiscal year; and further provided that if said impounded dog is a vicious dog as defined herein or is in violation of this chapter, said dog shall not be released except under condition prescribed by the rabies control officer and supervising veterinarian; provided further that if said dog constitutes a danger to the community in the opinion of the city judge, the city judge shall order its humane destruction which shall not be accomplished until time for appeal of said decision has elapsed; and provided further, that no animal shall be sold or destroyed until the city has published a notice in a local newspaper, said notice to state the fact that the city has come into the possession of a certain described animal, and advising the owner that said animal may be sold or humanely disposed of if not claimed within ten (10) days from the date of the notice in the local newspaper.

(5) No dog shall be released in any event from the shelter unless and until it has been vaccinated and a tag placed upon its collar.

(6) Dogs not redeemed as provided in subsections (2), (4), and (5) of this section shall become the property of the city and may be sold. If two or more bona fide purchase offer are received for the same dog, the minimum price shall equal the total amount of the board bill and vaccination fee. (Ord. #186, _____)

10-208. Protection for dogs. All dogs within the city are hereby declared to be personal property and subjects of larceny, and it shall be unlawful for any person except an officer, rabies control officer, or authorized agent of the city, deliberately or any means, to kill, injure, or detain, or to attempt to kill, injure, or detain any dog which is duly tagged for the current year. (Ord. #186, _____)

10-209. Barking or howling dogs. No person shall own, keep, or harbor any dog which by loud or frequent barking, whining, howling, or other unusual noises annoys or disturbs the peace and quiet of any neighborhood, family, or person. (Ord. #186, _____)

10-210. Emergency power. The board of mayor and aldermen shall have the power to declare by resolution quarantine periods of definite and reasonable duration whenever such quarantine seems necessary or desirable for the control of epidemic dog disease. (Ord. #186, _____)

10-211. Vicious dogs. All vicious dogs or biting dogs as defined herein shall be kept securely tied by a strong collar and chain, fenced or housed securely. On the front entrance to the premises containing such a dog, a sign shall be exhibited bearing the words, "Bad Dog" or words of similar import which shall be in letters sufficiently large to be easily read and plainly visible at a sufficient distance to protect anyone from attack by said dog. Any owner failing to protect the public from such a dog shall be responsible for any damage done to person or property by said animal and shall be in violation of this chapter and subject to its provisions regardless of whether said animal has been of previous vicious tendencies. (Ord. #186, _____)

10-212. Concealing dogs. Any person who shall hide, conceal, or aid or assist in hiding or concealing any dog owned, kept, or harbored in violation of any provisions of this chapter shall be guilty of a misdemeanor and subject to fine. (Ord. #186, _____)

10-213. Authority of rabies control officer. The rabies control officer is hereby granted authority to issue citations for violations of this chapter and is hereby authorized to carry firearms to protect himself if necessary from a rabid or vicious dog as herein defined. (Ord. #186, _____)

10-214. Rabies control officer under jurisdiction of police department. The rabies control officer shall come under the jurisdiction and the authority of the police department. (Ord. #186, _____)

10-215. Destruction of dogs previously found to be vicious. If any dog which has previously been found to be vicious shall be at large and shall attack or bite a human being, upon report to the rabies control officer said dog shall be impounded and destroyed in a humane manner, upon notice to the owner of said dog as is prescribed in this chapter. (Ord. #186, _____)

10-216. Bond. The rabies control officer shall post with the city an indemnity bond in the amount of five thousand dollars (\$5,000.00). (Ord. #186, _____)

10-217. City responsibility while confined. The City of Smithville, Tennessee, and its officials shall not be responsible for any illness, disease, or death occurring to any dog confined in the city dog shelter. (Ord. #186, _____)

10-218. Stealing dog tags. Anyone who shall steal and/or otherwise acquire and use a dog tag upon a dog for which it was not issued shall be guilty of a violation of this chapter. (Ord. #186, _____)

10-219. Disposal of unwanted pets. Any person wishing to dispose of any dog owned by him shall inform the rabies control officer, who will dispose of said dog in a humane manner at a cost of \$5.00 to the owner. (Ord. #186, _____)

10-220. Supervisory veterinarian. The rabies control officer will work under the supervision and instruction of a licensed veterinarian. Said veterinarian shall reside within the corporate limits of the City of Smithville if such person is available; shall practice full-time in the City of Smithville; shall be available for consultation on a 24 hour basis; shall conduct training sessions for rabies control personnel; and shall be appointed for a term of one (1) year by the board of mayor and aldermen. (Ord. #186, _____)

10-221. Violations. Anyone found to be in violation of any of the provisions of this chapter shall be guilty of a civil offense, and shall be punished pursuant to the general penalty provision of this municipal code. (Ord. #186, _____, modified)