

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

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4. CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1992 Code, § 10-101)

**10-102. Keeping near a residence or business restricted.** Swine are prohibited within the corporate limits. No person shall keep any other animal or fowl enumerated in the preceding section on land consisting of fewer than five (5) acres. (1992 Code, § 10-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1992 Code, § 10-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1992 Code, § 10-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1992 Code, § 10-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1992 Code, § 10-106)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Destruction of vicious or infected dogs running at large.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law"<sup>1</sup> or other applicable law. (1992 Code, § 10-201)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1992 Code, § 10-202)

**10-203. Running at large prohibited.**<sup>2</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1992 Code, § 10-203)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1992 Code, § 10-204)

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-113.

<sup>2</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1992 Code, § 10-205)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1992 Code, § 10-206)

**10-207. Destruction of vicious or infected dogs running at large.** When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman<sup>1</sup> or other properly designated officer. (1992 Code, § 10-207)

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<sup>1</sup>State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

## CHAPTER 3

### ANIMAL CONTROL DEPARTMENT

#### SECTION

- 10-301. Municipal animal control department established.
- 10-302. Animals running at large may be seized.
- 10-303. Animals shall be kept at shelter.
- 10-304. Release of animal to owner.
- 10-305. Maintenance fee set.
- 10-306. Authority and control of animal control officer.

**10-301. Municipal animal control department established.** There is hereby established a municipal animal control department to be staffed on a part-time basis by individual(s) designated by the Board of Mayor and Aldermen of the Town of Surgoinsville. (Ord. #58-2006, Nov. 2006)

**10-302. Animals running at large may be seized.** The animal control officer(s) is empowered to seize all animals running at large or whose presence or activities are in violation of state law and/or municipal ordinances within the corporate limits of Surgoinsville. (Ord. #58-2006, Nov. 2006)

**10-303. Animals shall be kept at shelter.** The animal control officer(s) will be empowered to seize and remove animals whose presence or activities are in violation of state law and/or town ordinances, and to house them at the Hawkins County Humane Society. (Ord. #58-2006, Nov. 2006)

**10-304. Release of animal to owner.** Any owner desiring to reclaim his or her animal must contact the animal control officer to make the necessary arrangements. Before the animal control officer or Hawkins County Humane Society designated employee releases any animal to its owner, he shall (1) require and receive written proof that the owner has received a municipal court citation, and (2) collect and receipt the accrued maintenance fee. Upon conviction, the owner shall be required to pay the appropriate town, the city fine and court cost for allowing the animal to run at large or for violating any other applicable state law or city ordinance. (Ord. #58-2006, Nov. 2006)

**10-305. Maintenance fee set.** The maintenance fee is hereby set at thirty dollars (\$30.00) per day, which amount shall be used to defray the costs of operating the department. (Ord. #58-2006, Nov. 2006)

**10-306. Authority and control of animal control officer.** When the animal control officer(s) is operating within the municipal limits of Surgoinsville, he shall be considered to be acting under the supervision of the

chief of police for purposes of any liability claims which may arise from the officer's activities on public or private property. The activities of the animal control officer(s) in the surrounding cities/counties shall be treated as taking place under, and shall be sanctioned by, a mutual aid agreement between the cities/counties to assist one another in the elimination of dangers to the public health and safety and in furtherance of the protection of the general public. (Ord. #58-2006, Nov. 2006)

## CHAPTER 4

### CATS

#### SECTION

10-401. Rabies vaccination and registration required.

10-402. Cats running at large prohibited.

**10-401. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law"<sup>1</sup> or other applicable law.

(1) Evidence of valid rabies vaccination required. It shall be unlawful for any person who owns, keeps, or harbors a cat within the corporate limits, upon the request of an animal control officer, code enforcement officer or police officer duly employed with the Town of Surgoinsville, to fail to provide evidence of current rabies vaccination. Evidence of such vaccination shall consist of a certificate that contains the owner's name and address, date of vaccination, date the cat should be revaccinated, description and sex of the cat vaccinated, number of the vaccination tag issued when applicable, manufacturer and lot number of vaccine administered, and the name and signature of the supervising veterinarian.

Cats may be vaccinated as early as three (3) months of age or at an age as specified by the vaccines of the United States Department of Agriculture (USDA) license, but will be considered as noncompliant with this section, if over six (6) months of age.

(2) Cats may wear vaccination tags. Cats may, but are not required to wear a rabies vaccination tag. If the cat is wearing a rabies vaccination tag or other identification, reasonable efforts shall be made to locate and notify the owner(s) in the event the cat is seized and/or transported to a housing facility approved by the municipality.

(3) Suspicion of infection of rabies. If any cat has bitten any person or animal or is suspected of having bitten any person or animal or is for any reason being suspected of being infected with rabies, the animal control officer, code enforcement officer or police officer duly employed with the municipality may cause such cat to be confined or isolated for such time as he deems necessary to determine if the cat is rabid.

When, because of its viciousness or apparent infection with rabies, a cat found running at large cannot be safely impounded, it may be dispatched by any

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-113.

animal control officer, code enforcement officer or police officer duly employed with the municipality. (Ord. #58-2006, Nov. 2006)

**10-402. Running at large prohibited.** (1) It shall be unlawful for any person knowingly to permit any cat owned by him or under his control to run at large within the corporate limits. Any person knowingly permitting a cat to run at large, including the owner of the cat may be prosecuted under this section even if the cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the cat to its owner.

(2) Cat may be seized. Any cat found running at large within the corporate limits may be seized by any animal control officer, code enforcement officer or police officer duly employed by the municipality. If the cat is wearing a rabies vaccination tag or other identification the cat shall be held for five (5) days. Failure by the owner to reclaim, pay any and all fines and/or fees, or have the animal vaccinated against rabies, if proof of current rabies vaccination is not produced prior to release, shall require the cat to be adopted or humanely destroyed.

(3) If the cat is not wearing an identification tag the cat may be adopted or humanely destroyed, unless legally claimed by the owner within three (3) days. (Ord. #58-2006, Nov. 2006)