

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Swine prohibited in city.
- 10-104. Pen or enclosure to be kept clean.
- 10-105. Adequate food, water, and shelter, etc., to be provided.
- 10-106. Keeping in such manner as to become a nuisance prohibited.
- 10-107. Cruel treatment prohibited.
- 10-108. Seizure and disposition of animals.
- 10-109. Inspections of premises.

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. (1983 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1983 Code, § 3-102)

10-103. Swine prohibited in city. It shall be unlawful for any person to keep, maintain, and feed swine within the corporate limits of the city. (1983 Code, § 3-102.1)

10-104. 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. (1983 Code, § 3-103)

10-105. 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. (1983 Code, § 3-104)

10-106. 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. (1983 Code, § 3-105)

10-107. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1983 Code, § 3-106)

10-108. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1983 Code, § 3-107)

10-109. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1983 Code, § 3-108)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination required.
- 10-202. Vaccination tags required on dogs and cats.
- 10-203. Female dogs and cats prohibited from running loose during heat cycle.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs and cats not properly tagged and dogs found running at large.
- 10-208. Cruelty to dogs and cats.

10-201. Rabies vaccination required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1983 Code, § 3-201, as replaced by Ord. #265, April 2010)

10-202. Vaccination tags required on dogs and cats. It is the responsibility of the owner of any dog or cat to display a tag on said animal evidencing the vaccination required by the preceding section. (1983 Code, § 3-202, as replaced by Ord. #265, April 2010)

10-203. Female dogs and cats prohibited from running loose during heat cycle. Any female dog or cat in heat shall be confined in a building or secure enclosure adequate to prevent indiscriminate contact with any male dogs or cats. It shall be unlawful for any person to allow any female dog or cat owned by him, or under his control or habitually found on premises occupied by him or immediately under his control, to run at large under any circumstances while such female dog or cat is in what is known as the "heat cycle." Any dog or cat found running at large in such condition, whether or not vaccinated and properly registered, is hereby declared to be a nuisance, and shall be subject to seizure, impoundment, sale or destruction as provided for animals suspected of rabies. (1983 Code, § 3-203, as replaced by Ord. #265, April 2010)

10-204. Vicious dogs. It shall be unlawful for the owner or custodian to keep or harbor any vicious dog within the city, unless said dog is properly confined in accordance with the provisions herein.

A vicious dog is defined as any dog that, without provocation, bites or attacks persons or other animals; approaches any person or other animal with

vicious or terrorizing behavior or an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or has acted in a manner that causes or should cause its owner or custodian to know that the dog is potentially vicious.

It shall be an affirmative defense to charges under this subsection that the actual or intended victim of any attack has made an unlawful entry into the residential dwelling structure of the dog's owner or custodian, or has threatened or attacked a person or animal lawfully within said dwelling structure, or has threatened or attacked an owner or custodian of the dog. "Dwelling structure" for the purposes of this section shall mean any enclosed building, or portion thereof, which provides actual living facilities.

Any dog which is reasonably believed to be vicious and which is not properly confined in accordance with the provisions herein may be impounded if it constitutes a danger to any person or animal. The dog shall remain impounded until the completion of legal proceedings. The owner or custodian shall be responsible for costs or impoundment, and the dog may be destroyed if such costs are not paid.

"Proper confinement," for purposes of this section, shall mean the following:

(a) While on the premises of the owner or custodian, the dog shall be confined within a dwelling structure or within a securely fenced enclosure with fastened sides and top or with four (4) fastened sides of no less than six feet (6') in height. The enclosure must be permanently fastened at the bottom, and be of such material and construction that the dog cannot exit the enclosure on its own. Enclosures shall be properly signed for warning.

(b) While off the premises of the owner or custodian, the dog shall be leashed and muzzled and under the physical control of the owner or custodian at all times, unless otherwise confined within a closed vehicle.

If the court determines that the vicious dog poses a serious danger to the health and safety of other persons or animals, it may order the dog to be removed from the municipality or destroyed. Such determination may be based upon, but is not necessarily limited to, the frequency of violations of the provisions of this chapter by the owner or custodian of such dog, the severity of any attack or bite or terrorizing behavior by such dog, or the inability or unwillingness of the owner or custodian to properly confine such dog. (1983 Code, § 3-204, as replaced by Ord. #265, April 2010)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1983 Code, § 3-205, as replaced by Ord. #265, April 2010)

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 animal control officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1983 Code, § 3-206, as replaced by Ord. #265, April 2010)

10-207. Seizure and disposition of dogs and cats not properly tagged and dogs found running at large. Any dog found running at large and any dog or cat found without a proper vaccination tag as required by this chapter may be seized by the animal control officer, the chief of police, or any police officer, or any official or officer designated by the city council to enforce the provisions of this chapter, all animals so seized shall be put in a suitable pound or place of confinement as designated by the city council. No dog or cat so seized shall be released to its owner until said owner presents a receipt from the city recorder indicating payment in full of a reclamation fee of ten dollars (\$10.00) in the case of a first violation, twenty-five dollars (\$25.00) for the second violation, and fifty dollars (\$50.00) for the third and subsequent violations. Said reclamation fee is separate from and in addition to any fine that may be imposed in municipal or general sessions court for violation of Tennessee Code Annotated, § 44-8-408. If such animal is not reclaimed, it shall be humanely disposed of pursuant to state law. In no event shall any animal be released from the pound unless it has been duly vaccinated, registered and a tag placed on its collar as provided in this chapter. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely seized and impounded, it may be summarily destroyed by the animal control officer, chief of police, any policeman, or other officer or official as designated by the council to enforce the provisions of this chapter.¹ (1983 Code, § 3-207, as replaced by Ord. #265, April 2010)

10-208. Cruelty to dogs and cats. It shall be unlawful for any person owning or in custody of any dog or cat to fail to provide said dog or cat with adequate food, water, shelter and veterinary care when reasonably required.

It shall be unlawful for any person to beat, cruelly ill-treat, overload, overwork or otherwise abuse any dog or cat, or cause or permit any dog fight, with other animals or humans.

It shall be unlawful for the owner or custodian of any dog or cat to abandon such animal.

¹For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the 1927 case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661.

For the purpose of this section, "abandon" means to leave the dog or cat unattended for more than forty-eight (48) consecutive hours.

It shall be unlawful for any person to expose any known poisonous or hazardous substance, including such substance when mixed with food, so that a reasonable person would know or should know that such substance would probably cause dog or cat to be attracted thereto and be adversely affected thereby. It shall be unlawful for any owner or custodian to confine a dog or cat within a parked, closed vehicle, when insufficient ventilation exists, or when the temperature within the closed vehicle is in excess of ninety degrees (90°) Fahrenheit, thereby exposing the animal to serious health risk.

The animal control officer or police officer may impound any animal which is reasonably believed to be abandoned or otherwise subject to the provisions of this section. Any and all costs associated with the impoundment and necessary care of such animals shall be borne by the owner or custodian. (1983 Code, § 3-208, as replaced by Ord. #265, April 2010)