

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. IN GENERAL.
2. DOGS, CATS, ETC.

**CHAPTER 1**

**IN GENERAL**

**SECTION**

- 10-101. Keeping within the city prohibited generally.  
10-102. Cruel treatment prohibited.

**10-101. Keeping within the city prohibited generally.** It shall be unlawful for any person to keep within the corporate limits any cows, swine, sheep, rabbits, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic or game fowl, cattle or livestock. (1963 Code, § 3-101)

**10-102. Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1963 Code, § 3-102)

## CHAPTER 2

### DOGS, CATS, ETC.

#### SECTION

- 10-201. Definitions.
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**10-201. Definitions.** Where the following words are used in this chapter they shall have the following meanings:

(1) "Animal." All animals three (3) months or more of age customarily vaccinated against the disease of rabies. This shall include, but not be limited to, members of the canine and feline species.

(2) "Owner." Any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care or acts as its custodian, or who permits an animal to remain on or about any premises occupied by such person.

(3) "Inoculation." The subcutaneous injection at one (1) time, but in several sites if necessary, of not less than five (5) ml. of a killed anti-rabies vaccine for animals, which vaccine meets the standards prescribed by the United States Department of Agriculture for interstate sale.

(4) "Vicious animal." Any animal which:

(a) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks, or any public or private property; or

(b) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or other animals; or

(c) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or other animals; or

(d) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting.

(5) "Confined." 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 animal.

(6) "Securely enclosed and locked pen or structure." A fenced-in area that shall be a minimum of five feet (5') wide, ten feet (10') long, and five feet (5') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting the posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least one foot (1') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous animal on the property. The enclosure shall contain and provide protection from the elements for the animal.

(7) "Physical restraint." A muzzle and a leash not to exceed six feet (6'). The leash must be controlled by an adult physically capable of controlling such animal. The muzzle must not cause injury to the animal.

(8) "Muzzle." A device, constructed of strong, bite-resistant material, which fastens over the mouth of an animal so as to prevent it from biting any person or other animal.

(9) "At large." The term "at large" or "running at large" shall be intended to mean off the fenced or electronically controlled premises of the owner, or not under control of the owner.

(10) "Control." The term "control" shall mean that the animal must be on a leash, cord or chain secured to the hand of the owner, or other qualified person. (1963 Code, § 3-201, as amended by Ord. #2-94, July 1993, and replaced by Ord. #81-09, May 2009)

**10-202. Vaccination required.** It shall be unlawful for any person to own, keep or harbor any animal which has not been vaccinated against rabies as required by this chapter or by the rules and regulations promulgated under its authority. Vaccination required by this chapter is recommended for any animal at three (3) months of age and is required at six (6) months of age. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be revaccinated, description and sex of the animal vaccinated, type and lot number of vaccine administered and the signature of

the person administering the vaccine. The certificate shall be prepared in duplicate, with the original being given to the owner, copy retained by the person administering the vaccine. The certificate shall be in the form prepared and distributed by the state department of public health. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee.

Every animal owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the animal vaccinated; provided, that the collar may be removed in case of hunting dogs while going to or returning from a hunt or change. However, nothing herein shall be construed as permitting the use of an unvaccinated dog for a hunt, chase or otherwise.

It shall be unlawful to transfer the metal tag or other evidence of vaccination to any other animal. (1963 Code, § 3-202, as replaced by Ord. #81-09, May 2009, and Ord. #122-13, March 2013)

**10-203. License certificates, tags and fees.** The owner of each animal kept within the corporate limits of Union City shall take the certificate of the veterinarian showing the animal has been vaccinated for rabies to the city clerk of the City of Union City and shall secure a certificate from the city and serially numbered license tag which tag shall be fastened to the collar of the animal. This tag will be issued only upon evidence of the vaccination and upon the payment of a license fee of one dollar (\$1.00) if said animal be male or a spayed female, two dollars (\$2.00) if said animal be an unspayed female, or ten dollars (\$10.00) for a kennel of five (5) or more breeding or hunting animals kept on the premises of any one (1) individual. The license tag shall be secured annually on or before the first day of April.

Upon presentation by the owner of the city certificate covering any tag originally issued and lost, a new tag and a certificate marked "duplicate" and setting forth the number of the new tag will be issued upon payment of a fifty cent (50¢) fee. It shall be unlawful to transfer a license tag issued for a particular animal to another animal. Any person violating any of the provision of this section shall be subject to a fine under the general penalty clause of this code. (1963 Code, § 3-203, as replaced by Ord. #81-09, May 2009)

**10-204. Enforcement, impoundment, etc.** The director of the department of animal control and other city employees working under the direction and supervision of the director of the department of animal control, and all police officers and all other authorized city employees working under the direction and supervision of the chief of police shall be charged with the enforcement of this chapter and it shall be their duty to take charge of any animal at large or running at large, or any animal which is kept in violation of this chapter and they shall convey the same to a designated city pound. There, such animal shall be fed, watered, and otherwise cared for during a period of not

less than seven (7) days unless redeemed earlier by its owner. In addition to all other fines and penalties provided by this chapter, any impounded animal may be redeemed by its owner, excepting vicious animals, upon payment to the city for each animal so seized and impounded, the impoundment penalty of ten dollars (\$10.00) for the first impoundment of an animal owned by him, and an impoundment penalty of twenty-five dollars (\$25.00) for the second impoundment of an animal owned by him, and an impoundment penalty of fifty dollars (\$50.00) for the third impoundment of an animal owned by him and all subsequent impoundments of an animal owned by him. In addition to the impoundment fee, such owner shall also pay a boarding fee, as assessed by the owner of the pound, per day for each day or fraction thereof the animal remains unclaimed. If the animal so seized has not been vaccinated, the owner shall, before he is permitted to regain possession of such animal, have such animal vaccinated and licensed and present the license registration to the city.

The payment of the fees as set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter.

The impounding officer shall, not later than the day following the impounding of an animal, serve written notice upon the owner thereof, if known, by mail or in person. If such owner is unknown, the animal and safety control officer shall post a notice describing the impounded animal at the designated city pound. If after a period of seven (7) days from the date of service or posting of such notices the animal is not redeemed in the manner set forth herein, it shall be humanely destroyed or otherwise disposed of in the public interest.

Whenever any individual shall apply to the city for permission to adopt or buy any impounded animal remaining unclaimed, the city may sell to the individual such unclaimed animal or surrender such animal to the individual for adoption upon the payment of the fees as set forth herein.

For the purpose of enforcing this chapter, the animal and safety control officer, police officers and all other authorized city employees, are authorized to go upon private property, if necessary, to pick up any animal. (1963 Code, § 3-204, as replaced by Ord. #81-09, May 2009, and amended by Ord. #107-12, April 2012, and Ord. #139-14, June 2014)

**10-205. Costs for maintenance and disposition of unclaimed animals.** When animals are picked up under provisions of this chapter and held in the city pound for a period of seven (7) days and the owner of said animal is unknown, the costs for the maintenance and disposition of such animals shall be borne by the city, under arrangements to be made between the city and the operator of the designated city pound. (Ord. #7-98, April 1998, as replaced by Ord. #81-09, May 2009, and amended by Ord. #107-12, April 2012)

**10-206. Quarantine of animals.** In all cases where an animal has bitten, scratched, or broken the skin of a human being, the animal shall be confined at the animal clinic, animal control facility or other confinement

approved by the animal and safety control officer for a period of not less than ten (10) days. The owner of the animal shall bear the expense of its upkeep for the period of confinement. For the purpose of enforcing this section, the animal and safety control officer is authorized to go upon private property, if necessary, to pick up any animal known to have bitten, scratched, or broken the skin of a human being. (Ord. #2-94, July 1993, as replaced by Ord. #81-09, May 2009, and Ord. #122-13, March 2013)

**10-207. Cruelty to animals--misdemeanor.** If any person shall willfully, wantonly and knowingly torture, torment, deprive of necessary sustenance, cruelly beat or needlessly mutilate, or wound any domestic animal, or willfully or maliciously administer poison to any such animal, or offer or expose to such animal any poisonous substance with the intent that the same should be taken shall, for every such offense be guilty of a misdemeanor and subject to fine under the general penalty clause of this chapter. (1963 Code, § 3-207, as replaced by Ord. #81-09, May 2009)

**10-208. Running at large.** No animal whether licensed or not, shall be allowed to run or be at large within the city, unless such animal is on a leash in the hands of a person mentally and physically capable of managing it, so that it shall not bite or injure any person or animal, or damage any property. (1963 Code, § 3-208, as replaced by Ord. #81-09, May 2009)

**10-209. Noisy animals prohibited.** No person shall own, keep or harbor any animal which, by causing frequent or long continued noise, annoys or disturbs the peace and quiet of any neighborhood. (1963 Code, § 3-209, as replaced by Ord. #81-09, May 2009)

**10-210. Concealing animals kept in violation of this chapter.** Any person who shall hide, conceal, or aid or assist in hiding or concealing any animal owned, kept, or harbored in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined under the general penalty clause for this code. (1963 Code, § 3-210, as replaced by Ord. #81-09, May 2009)

**10-211. Impounding, destruction of violating animals, authorized.** Personnel operating under the supervision of the chief of police shall take up and impound any animal found running at large in violation of § 10-208 of this code; provided, that if any animal so found is sick, injured or of a vicious nature, such personnel may humanely destroy such animal immediately. If, in the attempt to seize any animal, it becomes impossible to secure it with the hands, such personnel, if convinced that the seizure of the animal is necessary to the public welfare and safety, may destroy it by shoot it, providing he is close enough to the animal to kill it humanely and so far removed from any bystander

that no human life may be imperiled by the act. (1963 Code, § 3-211, as replaced by Ord. #81-09, May 2009)

**10-212. Limitations on chaining or tethering.** No animal shall be chained, tethered, trolleyed or under wireless control so that it interferes with mail delivery or any utility service personnel such as but not limited to gas, water, electric, telephone or cable/satellite television employees. Unless an approved physical barrier is present on the owner's property, no animal that is chained, tethered, trolleyed or under wireless control may have access within six feet (6') of the property line or public access such as sidewalks, alleys or streets. It shall be unlawful to restrain an animal by chain, tether or trolley to a fixed point for more than eight (8) hours in any 24-hour period. The chain, tether or trolley shall be attached to a properly fitting collar or harness worn by the animal. The chain, tether or trolley shall be adequate in size and strength to safely restrain the animal. Animals may be exclusively restrained by a chain or tether provided that it is at least ten feet (10') in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet (10') in length and mounted at least four feet (4') and no more than seven feet (7') above ground level in a manner so as not to interfere or become entangled with objects on the property. Any tethering system employed shall not allow the animal to leave the owner's property. No chain or tether shall weigh more than one-eighth (1/8) of the animal's body weight. No animal shall be confined or restrained in an area where bare earth is prevalent and no steps have been taken to prevent the area from becoming saturated harming the animal by standing in mud. Any animal chained, tethered or trolleyed to a fixed point shall be supplied with adequate food, water and shelter and shall be under direct supervision of the animal's owner. Wireless fence collars shall be properly fitted and the system maintained properly. Any animal which leaves the owner's property is in violation of this section. Any animal found in violation of this section is subject to seizure, impoundment and humane destruction as provided in § 10-204 and the owner subject to fees and penalties provided in §§ 10-204 and 10-218. (1963 Code, § 3-212, as replaced by Ord. #81-09, May 2009, and Ord. #122-13, March 2013)

**10-213. Vicious animals prohibited.** It shall be unlawful for any person to keep or harbor a vicious animal within the corporate limits of the City of Union City unless said vicious animal is confined in compliance with this chapter. (1963 Code, § 3-213, as replaced by Ord. #81-09, May 2009)

**10-214. Procedure for determining that an animal is vicious.**

(1) Upon the complaint of the animal control officer alleging an animal to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Union City, the chief of police or his designee shall hold a hearing within five (5) days of serving notice to the animal owner. The purpose of the

hearing shall be to determine whether such animal is, in fact, vicious. The owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

(2) In making the determination as to whether an animal is vicious, the chief of police or his designee shall consider, but is not limited to, the following criteria:

- (a) Provocation;
- (b) Severity of attack or injury;
- (c) Previous aggressive history of the animal;
- (d) Observable behavior of the animal;
- (e) Site and circumstances of the incident;
- (f) Age of the victim;
- (g) Statements from witnesses and other interested parties;
- (h) Reasonable enclosures already in place;
- (i) Height and weight of the animal.

(3) Within five (5) days of the hearing the chief of police or his designee shall determine whether to declare the animal vicious and shall within five (5) days after such determination notify the owner by certified mail of the animal's designation as a vicious animal and the specific restrictions and conditions for keeping the animal. If the animal is declared vicious, its owner shall confine the animal within a secure enclosure and whenever the animal is removed from the secure enclosure it shall be physically restrained, as defined in this chapter. The owner of the vicious animal shall notify residents of all abutting properties, including those across the street, of such findings. This notice to occupants of abutting properties shall be by certified mail, return receipt requested, and shall be at the owner's sole expense.

(4) No animal shall be declared vicious if the threat, injury, or damage was sustained by a person who:

- (a) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the animal; or
- (b) Was teasing, tormenting, abusing, assaulting or provoking the animal; or
- (c) Was committing or attempting to commit a crime.

No animal shall be declared vicious at the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault. (1963 Code, § 3-214, as replaced by Ord. #81-09, May 2009)

**10-215. Impoundment of vicious animal.** Any vicious animal not in compliance with the provisions of this chapter is subject to seizure, impoundment, and humane destruction as provided in § 10-204 and the owner subject to fees and penalties provided in §§ 10-204 and 10-218. (as added by Ord. #81-09, May 2009)



**10-216. Proceedings in circuit court.** The City of Union City may refer appropriate cases to the District Attorney General to petition the circuit court for an order of destruction pursuant to Tennessee Code Annotated, § 44-17-120. (as added by Ord. #81-09, May 2009)

**10-217. Guard dogs.** It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Union City for the protection of persons or property unless the following provisions are met:

- (1) The guard dog shall be confined; or
- (2) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and
- (3) The owner of other person in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #81-09, May 2009)

**10-218. Penalties.** Any person violating any provisions of this chapter upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate offense. (as added by Ord. #81-09, May 2009)