

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

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

- 10-101. Running at large prohibited.
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- 10-104. Adequate food, water, and shelter, etc., to be provided.
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- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, 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 City of Watertown. (1974 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep or allow any other animal or fowl enumerated in the preceding section to come 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. (1974 Code, § 3-102)

**10-103. 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 at all times be maintained in a clean and sanitary condition. (1974 Code, § 3-103)

**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. (1974 Code, § 3-104)

**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. (1974 Code, § 3-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1974 Code, § 3-106)

**10-107. 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. (1974 Code, § 3-107)

**10-108. 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. (1974 Code, § 3-108)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Dogs 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. Seizure and disposition of dogs.

**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" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1974 Code, § 3-201)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1974 Code, § 3-202, modified)

**10-203. Dogs running at large prohibited.** (1) It shall be unlawful for any person to permit any dog owned by him or under his control to run at large within the corporate city limits of the City of Watertown.

A dog shall be deemed to be running at large when:

(a) Not on the premises of the owner, possessor or keeper thereof and not controlled through use of an electronic restraint, fence, leash, cord, or chain held by the dog's owner, possessor or keeper or an agent, servant or member of the immediate family thereof; or,

(b) On the premises of the owner, possessor or keeper, but confined in such a way as to allow the dog to have access to the public right-of-way.

(2) **Evidence of ownership of dogs.** If any dog is found on the premises of any person for a period of five (5) days or more, it shall be prima facie evidence that such dog belongs to the occupant of such residence. Any person or person keeping, harboring or knowingly providing access to food, water and shelter for a dog for five (5) consecutive days shall, for the purpose of this section, be declared to be the owner thereof, and liable for violations of this section.

(3) **Enforcement.** Any police officer, including special officers designated by the chief of police, who is employed by the city is hereby

authorized to issue a summons and complaint to any person when such officer personally observes a violation of the provisions of this section.

Any person or persons who is found or enters a plea of guilty in municipal court for violation of the provisions of this section shall be fined fifty dollars (\$50.00).

Any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this section have occurred may under oath, file a complaint with the city recorder and the chief of police or his agent shall issue a summons based on the information or complaint with the city recorder. (Ord. #95-6, July 1995)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1974 Code, § 3-204, modified)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1974 Code, § 3-205, modified)

**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 health 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. (1974 Code, § 3-206)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by the health officer or any police officer or any person designated as dog catcher by the Watertown City Council and placed in a pound provided or designated by the city council. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the city council, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

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 the health officer or any policeman.<sup>1</sup> (1974 Code, § 3-207, as amended by Ord. #84-1, June 1984)

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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 Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

## CHAPTER 3

### DANGEROUS DOGS

#### SECTION

- 10-301. Definitions.
- 10-302. Unlawful.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Irrebuttable presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalties.

**10-301. Definitions.** The words used in this chapter shall have the following definitions:

#### Pit Bull Dog

- (1) The bull terrier breed of dog; and
- (2) Staffordshire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Staffordshire terrier breed of dog; and
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds. (Ord. #98-1, March 1998)

**10-302. Unlawful.** It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Watertown, Tennessee, except that pit bull dogs located within the City of Watertown, Tennessee on the effective date of this chapter, may be kept therein upon strict compliance with the standards and requirements set forth in § 10-303. (Ord. #98-1, March 1998)

**10-303. Standards and requirements.** The following standards and requirements shall apply to pit bull dogs located within the corporate limits upon the effective date of this chapter:

- (1) Registration. Within ten (10) days of the effective date of this chapter, each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city police.

(2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building ordinances and regulations of the City of Watertown and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the Watertown City Police of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Watertown City Police.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city police two color photographs of the dog clearly showing the color and approximate size of the animal.

(8) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the Watertown City Police as required hereinafter:

- (a) The removal from the city or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of pit bull dog owner should the owner move within the corporate city limits. (Ord. #98-1, March 1998)

**10-304. Sale or transfer of ownership prohibited.** No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of Watertown unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Watertown. (Ord. #98-1, March 1998)

**10-305. Animals born of registered dogs.** All offspring born of pit bull dogs within the City of Watertown must be removed from the City of Watertown within six (6) weeks of the birth of such animal. (Ord. #98-1, March 1998)

**10-306. Irrebuttable presumptions.** There shall be an irrebuttable presumption that any dog registered with the City of Watertown as a pit bull dog or any of those breeds defined by § 10-301 hereof is in fact a dog subject to the requirements of this chapter. (Ord. #98-1, March 1998)

**10-307. Failure to comply.** It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the City of Watertown to fail to comply with the provisions of this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Watertown. (Ord. #98-1, March 1998)

**10-308. Violations and penalties.** Any persons violating or permitting the violation of any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to the fine as prescribed in the general penalty clause for this code. Each day such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Watertown. Should the defendant refuse to remove the dog from the City of Watertown the city court judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the persons's failure to abide by the provisions of this chapter. (Ord. #98-1, March 1998)