

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION

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10-101. Definitions. As used in this chapter, the following terms mean:

- (1) "Owner" - Any person, partnership or corporation owning, keeping or harboring animals;
- (2) "Kennel" - Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes;
- (3) "Veterinary hospital" - Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals;
- (4) "Pet shop" - Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species;
- (5) "Animal" - Any living creature, domestic or wild;
- (6) "Animal shelter" - Any premises designated by the city for the purpose of impounding and caring for animals held under authority of this chapter;

(7) "Animal control officer" - Any person designated by the city as a law enforcement officer and who qualifies to perform such duties under the laws of the State of Tennessee;

(8) "Zoological garden" - Any park or zoo operated by a person or private corporation;

(9) "Circus" - A non-resident variety show which features animal acts;

(10) "Theatrical exhibit" - Any exhibition or act featuring performing animals;

(11) "Person" - An individual, partnership, company or corporation. (1984 Code, § 3-101)

10-102. Animal shelter. Upon the adoption of this chapter, the board of mayor and alderman of the City of Waverly shall provide for the construction of an animal shelter for the purpose of impounding and caring for animals held under authority of this chapter. (1984 Code, § 3-102)

10-103. Animal control officer; police powers. There is hereby established a position to be known as "Animal Control Officer" who shall be primarily responsible for the enforcement of this chapter and shall perform such other duties as the board of mayor and aldermen shall require.

Any animal control officer shall have police powers in the enforcement of this chapter and no person shall interfere with, hinder, molest or abuse any animal control officer in the exercise of such powers. (1984 Code, § 3-103)

10-104. Animal control commission. There is hereby established the "Animal Control Commission" which shall consist of not less than three (3) nor more than seven (7) members to be appointed by the mayor and who shall promulgate the rules and regulations for the implementation of this chapter and who shall be primarily responsible for the oversight of the operation of the animal shelter and who shall perform such other duties as may be required by the board of mayor and aldermen of the city. (1984 Code, § 3-104)

10-105. Ownership and keeping of animals restricted; permit required. No person shall, without first obtaining a permit therefor, in writing from the City of Waverly, own, keep, harbor or have custody of any animal over three months of age, except as this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets and with the further exceptions and restrictions contained herein:

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

(2) 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 or place of business 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.

(3) Pen or enclosure to be kept clean and adequate care provided. 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.

No animal or fowl of any kind 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, safe condition, and wholesomeness for food if so intended.

(4) Keeping in such a manner as to become a nuisance prohibited. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passers-by, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

(5) Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1984 Code, § 3-105)

10-106. Issuance of permits. Upon a showing by any applicant for a permit that he is prepared to comply with the regulations promulgated by the animal control commission and that he is in compliance with all laws of the State of Tennessee relative to the vaccination of animals for rabies, a permit shall be issued following payment of the applicable fee, as follows:

(1)	For each male dog, or spayed dog	\$ 3.00
(2)	For each male cat, or spayed cat	1.00
(3)	For each unspayed female dog	10.00
(4)	For each unspayed female cat	5.00
(5)	For each kennel or pet shop covering all animals kept during the year	25.00
(6)	For any zoological garden or animal act, covering all animals kept	100.00
(7)	For each livery or riding stable covering all horses kept	50.00
(8)	For any abattoir, stock yards, hatchery, livestock auction, or other place where livestock or poultry are regularly bred, kept, offered for sale, or slaughtered	

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| | for commercial purposes, covering all
animals kept during the year | 100.00 |
| (9) | No fee shall be required of any humane
society, veterinary hospital, or municipal
animal control facility. (1984 Code, § 3-106) | |

10-107. Duration of permits. A permit, if not revoked, shall be valid for one (1) year from the date of issue. A new permit shall be obtained each year by every owner and a new fee paid. If there is a change in ownership of an animal or facility, the new owner may have the current license transferred to his name upon payment of a \$1.00 transfer fee. (1984 Code, § 3-107)

10-108. Exhibition or display of animals. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoological garden, theatrical exhibit or circus as defined in this chapter, except that no theatrical exhibit or act shall be held in which animals are encouraged to perform through the use of chemical, electrical or mechanical devices. (1984 Code, § 3-108)

10-109. Animals as prizes. No person shall give away any live vertebrate animals as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade. (1984 Code, § 3-109)

10-110. Quarantine of animals. Any animal which bites a person shall be quarantined for ten (10) days if ordered by the city health officer. During quarantine, the animal shall be securely confined and kept from contact from any other animal. At the discretion of the Director of Health and Environment, the quarantine may be on the premises of the owner. If the Director of Health and Environment requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital. (1984 Code, § 3-110)

10-111. Killing of suspected rabid or vicious animals. Generally, no police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If the veterinarian diagnosis rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

However, 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 animal control officer or any policeman.¹ (1984 Code, § 3-111)

10-112. Impoundment of animals. Animals impounded under this chapter shall be taken by police, the animal control officer or any other duly authorized officer, and impounded in the animal shelter or other such suitable place commensurate with the size and character of the animal, and there confined in a humane manner. Impounded animals shall be kept for not less than seven (7) days unless reclaimed by their owners. If by any means available the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the animal. Animals not claimed by their owners within seven (7) days and thereafter placed in suitable new homes, shall be humanely euthanized or disposed of by the animal control officer or by any other agency to which authority has been delegated by the board of mayor and aldermen. (1984 Code, § 3-112)

10-113. Reclaiming of animals. An owner reclaiming an impounded animal shall pay a fee of \$10.00, plus \$1.00 for each day the animal has been impounded, to a total maximum fee of \$17.00. The owner may also be proceeded against for violation of this chapter and his permit may be revoked. (1984 Code, § 3-113)

10-114. Inspections. The health officer shall have the authority to enter any public or private premises at any reasonable time for the purpose of making inspections to insure compliance with the provisions of this chapter. (1984 Code, § 3-114)

10-115. Application of title to non-residents. The sections of this title requiring a permit shall not apply to non-residents of the city who are keeping only domestic pets, provided that animals of such owners shall not be kept in the city longer than thirty (30) days and that the animals are kept under restraint. (1984 Code, § 3-115)

¹State 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 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Identification tag for dogs and cats.
- 10-203. Running at large prohibited.
- 10-204. Impoundment of dogs and cats.
- 10-205. Reclaiming of dogs and cats.
- 10-206. Female dogs and cats in heat.

10-201. Rabies vaccination and registration 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 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 or to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the section. (1984 Code, § 3-201)

10-202. Identification tag for dogs and cats. Upon issuing a permit to keep any dog or cat, there shall be issued to the owner a durable tag or identification collar, stamped with an identifying number and with the year of issuance. Tags should be so designed that they can be conveniently fastened to the collar or harness. Dogs and cats must wear identification tags or collars at all times. There shall be maintained a record of the identifying numbers and this record shall be made available to the public. (1984 Code, § 3-202)

10-203. Running at large prohibited.¹ 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. (1984 Code, § 3-203)

10-204. Impoundment of dogs and cats. Unlicensed dogs or cats shall be taken by police, the animal control officer or any other duly authorized officer, and impounded in the animal shelter, and there confined in a humane manner. Impounded dogs and cats shall be kept for not less than seven (7) days unless reclaimed by their owners. If by any means available the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the animal. Dogs and cats not claimed by their owners within seven (7) days or thereafter placed

¹State law reference

Tennessee Code Annotated, §§ 44-8-408, 68-8-108 and 68-8-109.

in suitable new homes, shall be humanely euthanized or disposed of by the animal control officer or by any other agency to which authority has been delegated by the board of mayor and aldermen. (1984 Code, § 3-204)

10-205. Reclaiming of dogs and cats. An owner reclaiming an impounded dog or cat shall pay a fee of \$10.00, plus \$1.00 for each day the animal has been impounded, to a total maximum fee of \$17.00. The owner may also be proceeded against for violation of this chapter and his permit may be revoked. (1984 Code, § 3-205)

10-206. Female dogs and cats in heat. Every female dog or cat in heat shall be confined to a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding. (1984 Code, § 3-206)