

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS/CATS.
3. SEIZURE AND IMPOUNDMENT OF ANIMALS.

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.
- 10-107. Seizure and disposition of animals running at large.
- 10-108. Animal shelter to be provided.
- 10-109. Care of impounded animals.
- 10-110. Records of the animal control officer.
- 10-111. Interference with animal control officer prohibited.
- 10-112. Impoundment of animals by warrant.
- 10-113. Concealing an animal in violation of this chapter a misdemeanor.
- 10-114. Inspections and orders by the animal control officer.
- 10-115. Certain animals to be kept confined.
- 10-116. Civil liability of owners for injury caused by animals.
- 10-117. Protection of animals.
- 10-118. Keeping of wild animals.
- 10-119. Animal waste.
- 10-120. Fee schedule.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any dog, cat, 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. An animal shall be deemed to be running at large unless confined to the owner's premises or accompanied by a person in control of such animal either by leash or by voice commands which such animal will obey. (1972 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, excluding dogs and cats, on any lot or parcel of ground on which a residence or business is located unless said lot or parcel of ground shall contain two acres or more, or within three hundred (300) feet of any residence, place of business or public street, nor within a pen or other enclosure which provides less than nine hundred (900) square feet of space for each animal or fowl without a permit from the animal control officer. The animal control 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. (1972 Code, § 3-102)

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. Excrement should be removed regularly from the living space of a penned or chained animal adequate to the sanitation of quarters and the health of the animal. (1972 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air and ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No animal shall be confined by a chain or pen not adequate to the size of the animal to allow freedom of movement and comfort to the animal. (1972 Code, § 3-104)

10-105. Keeping in such 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 because of noise, odor, danger of contagious disease, or other reason. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) is repeatedly found at large;
- (2) damages the property of anyone other than its owner;
- (3) molests or intimidates pedestrians or passersby;
- (4) chases vehicles;
- (5) excessively makes disturbing noises;
- (6) causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premise where the animal is kept or harbored;
- (7) causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (8) attacks other domestic animals. (1972 Code, § 3-105)

10-106. Cruel treatment prohibited. (1) A person commits an offense who intentionally or knowingly:

- (a) Tortures, maims or grossly overworks an animal;
- (b) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
- (c) Abandons unreasonably an animal in the person's custody;
- (d) Transports or confines an animal in a cruel manner; or
- (e) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(2) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in Tennessee Code Annotated, § 39-11-106.

(3) If the animal control officer has information that an animal or fowl is being so treated, then he may obtain a warrant and enter upon any premises where the animal or fowl is being kept and demand to examine such animals or fowls, to examine the license for such animals or fowls, and/or to take possession of such animals or fowls when such action is required to ensure their humane treatment. The animal control officer may dispose of such animals or fowls as provided in this chapter. If the animal requires a veterinarian's care, the owner of said animal shall be responsible for all medical expenses.<sup>1</sup> (1972 Code, § 3-106, as replaced by Ord. #986, March 2010)

10-107. Seizure and disposition of animals running at large. Any animal or fowl found running at large in violation of this chapter may be seized by the animal control officer or by any police officer and confined in an animal shelter provided or designated by the city manager. If the owner is known, that individual shall be given notice in person, by telephone, or by mail. If the owner is not known, the animal shall be confined in the shelter for a period not less than three (3) working days to allow an owner to reclaim that animal. In order to reclaim his animal, the owner must pay an impoundment fee plus a boarding fee which is to be established by the city council. Any animal not reclaimed by its owner within three (3) working days after the date of seizure shall become the property of local government authority and shall be placed for adoption in a suitable home subject to shelter adoption procedure. The unclaimed animal may be disposed of after an additional five (5) working days by veterinarian supervised euthanatization. Disposal of an animal does not relieve the owner of liability for violations, nor shall the City of Athens, or any of its agents or employees, be in any way responsible for any animal disposed of as hereinstated. The City of Athens, Tennessee, and its officials shall not be responsible for any illness, disease, or death occurring to any animal confined in the city's animal shelter, as stipulated in the City of Athens Standard Operating Procedures. (1972 Code, § 3-107, as replaced by Ord. #917, April 2004)

10-108. Animal shelter to be provided. The city manager shall establish an animal shelter for keeping impounded animals. The shelter may be operated

---

<sup>1</sup>State law reference

Tennessee Code Annotated, § 39-3-104.

directly by the city or it may be operated by a veterinarian or other suitable person or organization under contract with the city. The shelter shall be operated as provided by the City of Athens Standard Operating Procedures for animal control, as prepared by the animal control commission, approved by city council. (1972 Code, § 3-108)

10-109. Care of impounded animals. It shall be the duty of the animal control officer to take proper care at all times of all animals held in custody by the city, and he shall provide adequate food, drink, and shelter as prescribed in the Standard Operating Procedures for the City of Athens Animal Shelter. (1972 Code, § 3-109)

10-110. Records of the animal control officer. It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into the custody of the city.

It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him, and his investigation of same.

It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of all monies belonging to City of Athens. His records shall be opened to inspection at all reasonable times by such persons responsible for similar records of the City of Athens, and shall be audited by the City of Athens annually in the same manner as other city records are audited. (1972 Code, § 3-110)

10-111. Interference with animal control officer prohibited. Any person who interferes with, hinders, molests, or intimidates the animal control officer in the performance of any duty imposed by this chapter or who seeks to release any animal in custody of the animal control officer except as herein after provided shall be guilty of a misdemeanor. (1972 Code, § 3-111)

10-112. Impoundment of animals by warrant. It shall be the duty of the animal control officer to assist any police officer in serving a warrant on an owner of an animal in violation of this chapter. The animal control officer shall seize and retain the animal at the animal shelter until such time as the court or the city manager determines the disposition of such animals. (1972 Code, § 3-112)

10-113. Concealing an animal in violation of this chapter a misdemeanor. 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. (1972 Code, § 3-113)

10-114. Inspections and orders by the animal control officer. When it becomes necessary to see that the provisions chapter are observed, the animal control officer shall have the power and it shall be his duty to enter any premises at any reasonable hour of the day for the purpose of making inspections.

When violations are discovered, he shall issue such orders as he reasonably deems necessary to correct the unlawful condition within a reasonable time. It shall be unlawful for any person to fail to comply with such order. (1972 Code, § 3-114)

10-115. Certain animals to be kept confined. The owner shall confine within a building or secure enclosure, any fierce, dangerous, or vicious animal, and not take such animal out of the building or secure enclosure unless such animal is securely muzzled.

The owner shall also post in a conspicuous place at each entrance to such building or enclosure, a clearly legible and visible sign warning all persons preparing to enter said building or enclosure of the dangerous or vicious animal confined therein. (1972 Code, § 3-115)

10-116. Civil liability of owners for injury caused by animals. Any person who owns, keeps, or harbors any animal which, while upon the premises of another, or upon public property, causes damage or injury to any person, domestic animal, or property, shall be held liable in damages, to such person, domestic animal or property. The lack of knowledge of the vicious or destructive nature of such animal, shall have no bearing upon the question of liability of the person owning, keeping, or harboring such animal. (1972 Code, § 3-116)

10-117. Protection of animals. All animals within the city are hereby declared to be the personal property and subjects of larceny, and it shall be unlawful for any person except an officer or authorized agent of the city in the legal performance of his duty, deliberately or by any means, to kill, or injure, or detain or to attempt deliberately to kill, or injure or detain any animal.

In case of accidental destruction or injury to an animal, the person causing such destruction or injury shall immediately report the same to the owner or to the appropriate city official, giving his name and address.

It shall be unlawful for any person to place any poison of any description in any place, on his premises or elsewhere, where it may be easily found or taken by any animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency. (1972 Code, § 3-117)

10-118. Keeping of wild animals. No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities.

No person shall keep or permit to be kept any wild animal as a pet. (1972 Code, § 3-118)

10-119. Animal waste. The owner of every animal shall be responsible for the removal or any excreta deposited by his animal(s) on public walks, recreation areas, or private property. (1972 Code, § 3-119)

10-120. Fee schedule. The city council shall, annually, review and approve a fee schedule for the animal control program. (1972 Code, § 3-120)

## CHAPTER 2

DOGS/CATS

## SECTION

- 10-201. Rabies vaccination required.
- 10-202. Impoundment of animals known to have bitten a person.
- 10-203. Noisy dogs prohibited.
- 10-204. Adoption of impounded animals permitted.
- 10-205. Female animals in heat to be confined.
- 10-206. All persons must report bite cases.
- 10-207. Limit of three dogs per household without a permit.
- 10-208. Disposition of fees, fines, etc.

10-201. Rabies vaccination required. It shall be unlawful for any person to own, keep, or harbor any dog/cat more than three (3) months old which has not been vaccinated against rabies as set forth in Tennessee Code Annotated, §§ 68-8-107 and 68-8-108 and as required in this section. Only a vaccine that meets the standards prescribed by the United States Department of Agriculture for interstate sale shall be used. It shall be the duty of every owner to have his dog or cat vaccinated against rabies after the dog reaches three months of age, the cat six months of age. Regardless of the type of licensed vaccine used or the age of the animal at the time of the first (primary) vaccination, the animal shall be revaccinated one year later. Following the first two vaccinations, booster vaccinations will be due at either one or three year intervals in accordance with the approved duration of immunity of the specific vaccine used and the species vaccinated. The veterinarian making the vaccination shall collect his fee for the same from the owner of the dog/cat, shall issue a vaccination tag, and shall sign and issue certification bearing the owner's name and address, number of vaccination tag issued, date of vaccination, date the dog/cat should be revaccinated, description and sex of the dog/cat vaccinated, the type and lot number of vaccine administered. The certificate shall be prepared in triplicate, the original shall be given to the owner, first copy filed in the office of the local health department, and the second copy retained by the person administering the vaccine. The certificate form shall be the same as prepared and distributed by the state department of public health.

It shall be unlawful for any owner to own, keep, harbor or to permit to remain on or about the premises of such owner any dog/cat that does not wear a tag evidencing that the dog/cat has been vaccinated. (1972 Code, § 3-201, as replaced by Ord. #848, § 2, July 1998)

10-202. Impoundment of animals known to have bitten a person. Any animal known to have bitten a person or showing signs of rabies shall be apprehended and impounded for not less than (10) days. The animal shall be

impounded at the city operated shelter or with a licensed veterinarian at the discretion of the animal control officer. All fees for such impoundment shall be the responsibility of the animal's owner. If, during the period of impoundment, the animal exhibits any of the behavioral signs associated with rabies, the animal shall be sacrificed immediately and the head removed and shipped to a State of Tennessee approved laboratory for testing for presence of Negri bodies. (1972 Code, § 3-203, as renumbered by Ord. #795, July 1994)

10-203. Noisy dogs prohibited. No person shall own, keep or harbor any dog which, by loud and frequent barking, whining or howling, annoys the peace and quiet of any neighborhood. (1972 Code, § 3-204, as renumbered by Ord. #795, July 1994)

10-204. Adoption of impounded animals permitted. Any domestic animal which has been confined at the animal shelter and not claimed by its owner as provided in this chapter may be adopted by responsible adults to be kept only as household pets. Those desiring to adopt an animal shall be required to complete a questionnaire containing such information as may be necessary to determine suitability of pet ownership. Further, those desiring to adopt an animal shall be required to sign a contract with the City of Athens or its designated representative agreeing to have the animal examined by a licensed veterinarian within forty-eight (48) hours of adoption and immunized as recommended, to have the animal surgically sterilized as stipulated in the adoption contract, fees for said sterilization to be shared as specified in agreement with the local humane society, to obey all local and state ordinances pertaining to the keeping of animals as pets and to return the animal to the animal shelter if the terms of the contract cannot be met. (1972 Code, § 3-205, as renumbered by Ord. #795, July 1994)

10-205. Female animals in heat to be confined. Every owner of a female animal which has not been sterilized is required to confine the animal for a period of twenty-one (21) days during the period in which she is in heat. Upon request of the owner, the female in heat may be boarded at the animal shelter for a fee as specified in the approved fee schedule. The City of Athens assumes no responsibility or liability for such female animal while she is boarded. (1972 Code, § 3-206, as renumbered by Ord. #795, July 1994)

10-206. All persons must report bite cases. It shall be the duty of all citizens, including doctors and veterinarians, to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with all information helpful in locating animal which inflicted said bite. (1972 Code, § 3-207, as renumbered by Ord. #795, July 1994)

10-207. Limit of three dogs per household without a permit. Not more than three (3) dogs shall be kept by any one household unless owner has acquired a permit from the city's public works department. The animal control officer shall review each permit request to ensure compliance of all provisions of this chapter prior to issuance of the permit. (1972 Code, § 3-208, as renumbered by Ord. #795, July 1994)

10-208. Disposition of fees, fines, etc. All funds collected under the provisions of this chapter, including the license fees, redemption charges, and fines shall be paid into the general fund of the city. (1972 Code, § 3-209, as renumbered by Ord. #795, July 1994)

CHAPTER 3

SEIZURE AND IMPOUNDMENT OF ANIMALS

SECTION

10-301. Seizure and impoundment of animals.

10-301. Seizure and impoundment of animals. (1) When there is a violation of any section of the Animal Control Ordinance in any chapter of title 10 of the Athens City Code or a violation of any state law with respect to animals, an officer of the City of Athens may seize the animal and impound such animal in the city animal shelter following the issuance of a warrant by the city judge or any other judge authorized to issue a warrant, or under circumstances where a warrant is not required under applicable law, when the seizure and impoundment is deemed reasonable and necessary by the officer to:

- (a) Remove the animal from a substantial risk of harm;
- (b) Prevent the animal from causing harm or danger to other animals, persons or property; or
- (c) Preserve evidence of a violation of a city ordinance or state law.

(2) When an animal is seized or impounded, the officer shall make a reasonable effort to determine the owner of the animal. When the owner of the animal is ascertained, the officer shall notify the owner in writing of the seizure and impoundment by delivery of such written notice in person or by posting mail to the last known address of the owner within twenty-four (24) hours of ascertaining the owner of the animal.

(3) Any animal seized and impounded pursuant to this section shall remain impounded under the circumstances as follows:

(a) If the animal has been seized pursuant to § 10-107 for running at large and the owner cannot be ascertained, the provisions of § 10-107 apply.

(b) If the owner has been issued a citation or been arrested for a violation of any section of title 10 of this code or state law, the animal shall remain impounded until the disposition of the case if the animal control officer for the City of Athens has reason to believe that the animal poses a threat of harm to other animals, persons or property if released to the owner prior to disposition of the case or the animal control officer has reason to believe that the animal had been abused or neglected prior to impoundment and returning the animal to the owner exposes the animal to a risk of further abuse and neglect which threatens the safety and health of the animal if released to the owner prior to disposition of the case.

(4) This section shall not be interpreted to void any other section of title 10 with all sections to be given full effect and enforcement and if there is

Change 13, June 15, 2010

10-11

any inconsistency, this section shall control. (as deleted by Ord. #891, Jan. 2002, and replaced by Ord. #986, March 2010)