

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

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

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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, to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (2000 Code, § 10-101)

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 feet (1,000') 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. Any person aggrieved by the health officer's decision in such case may appeal the same to the city council. (2000 Code, § 10-102)

10-103. Hogs prohibited within two hundred feet of a residence, etc. It shall be unlawful for any person to maintain or keep any hog or hog pen or other place for the confinement of hogs within two hundred feet (200') of any residence or dwelling house within the corporate limits since to do so would be

detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the city. Any person keeping, maintaining, or undertaking to keep or permit hogs or hog pens in violation of this section shall be fined therefor and shall also be chargeable with a practice constituting a nuisance and shall be subject to prosecution by any person affected thereby or by the health officer or his assistants. (2000 Code, § 10-103)

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. Any person keeping any place in violation of this section shall be fined therefor and shall also be chargeable with a practice constituting a nuisance and shall be subject to prosecution by any person affected thereby or by the health officer or his assistants. (2000 Code, § 10-104)

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, safe condition, and wholesomeness for food if so intended. (2000 Code, § 10-105)

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. (2000 Code, § 10-106)

10-107. Seizure and disposition of animals running at large. 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 suitable place provided or designated by the city manager. If the owner is known, he shall be notified by a postcard addressed to his last known mailing address, to appear within ten (10) days and redeem his animal or fowl by paying the pound costs or the same will be humanely destroyed or otherwise disposed of by the pound master.

If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall notify the owner to appear within ten (10) days and redeem his impounded animal or fowl by paying the pound costs or the same will be humanely destroyed or otherwise disposed of by the pound master.

It shall be unlawful for any person to retrieve an impounded animal without first having the same released by the pound master. There shall be a lien on any impounded animal to secure fines and costs and such lien may be enforced by sale of the animal. (2000 Code, § 10-108)

10-108. Storage of feeds. Every keeper of animals and fowls shall cause feed provided therefor to be stored and kept only in a rat-proof, fly-tight building, box, or receptacle. (2000 Code, § 10-109)

10-109. Inspections and orders by the health officer. When it is necessary to see that the provisions of this chapter are observed, the health officer or his authorized representative 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 an order. (2000 Code, § 10-110)

10-110. Animals causing unsanitary conditions. (1) Within the corporate limits of the City of Elizabethton, the owner or custodian of any animal shall be responsible for the immediate removal of solid waste deposited by said animal on the property of another including, but not limited to, sidewalks, greenways, parks and other public areas. Enforcement of this provision within the central business district shall be either by enforcement action taken by the city police department or by means of a private complaint filed in the city court. Outside of the central business district, enforcement of this section shall be limited to a private complaint filed in the city court.

(2) Failure to remove said animal waste may result in the following penalties:

- (a) Fifty dollar (\$50.00) fine per occurrence;
- (b) Second and subsequent offenses: fifty dollar (\$50.00) fine per occurrence.

(3) This section shall not apply to guide dogs and other service animals. (Ord. #46-2, Jan. 2010)

CHAPTER 2

DOGS AND CATS¹

SECTION

- 10-201. Definitions.
- 10-202. Vicious dogs, etc., required to be confined or leashed; dogs running at large.
- 10-203. Dogs and cats required to be vaccinated.
- 10-204. Dogs and cats required to be tagged.
- 10-205. Noisy dogs and cats prohibited.
- 10-206. Pound, pound master and pound fees.
- 10-207. Enforcement of chapter and disposition of impounded dogs and cats.
- 10-208. When pound master will pick up a dog and cats.
- 10-209. Violations.
- 10-210. Fees and fines.

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

- (1) "Dog." All members of the canine family two (2) months or more of age.
- (2) "Inoculation." The injection of any anti-rabies vaccine which complies with the regulations of the Tennessee Department of Health.
- (3) "Owner." Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his care or acts as its custodian, or who permits a dog or cat to remain on or about his premises.
- (4) "Vicious dogs or other domesticated animal." Any dog or other domesticated animal which has attacked or which has shown a propensity to bite any human being. (2000 Code, § 10-201, modified)

10-202. Vicious dogs, etc., required to be confined or leashed; dogs running at large. It shall be unlawful for any person within the City of Elizabethton to have the ownership and control or the custody and control of any dog or other domesticated animal at any time, if such person knows that the same is vicious or has a propensity to attack or bite human beings unless such dog or domesticated animal is kept on the property or premises of the owner under fence or within a building, or is tied or leashed in such a manner as to prevent it from getting off the premises of the owner. It shall also be unlawful for any person within the city limits to allow any dog or cat to run at large upon the streets or highways within the city, whether tagged or not, unless said dog

¹State law reference

Tennessee Code annotated §§ 68-8-101--68-8-114.

or cat is under the immediate control of the owner of said dog or cat or his agent, and in close proximity thereto, or is being at the time restrained by a leash, firmly held by the person allowing the dog or cat to run. The pound master shall have the authority, upon proper cause, and for good and sufficient reason to him appearing, in the exercise of his discretion and independent judgment, to pick up any dog or cat which is running at large on the streets or highways of the city without regard to whether or not said dog or cat is tagged.

The pound master, in the event that he is unable to catch and restrain any such dog or cat running at large which needs to be caught and restrained, within the meaning of this chapter, and which dog is running at large or becoming a public nuisance, shall have the authority, upon obtaining the concurrence of the chief of police the facts being made known to him, to use a modern type and designed tranquilizer gun for the purpose of rendering said dog or cat amenable to capture and restraint. There shall be no liability for damages on the part of either the pound master or the chief of police in the event that any such dog or cat restrained and captured by use of tranquilizer gun should die by reason of a reaction to any chemical agent. (2000 Code, § 10-202, modified)

10-203. Dogs and cats required to be vaccinated. There is hereby adopted by the City of Elizabethton, Tennessee, Tennessee Code Annotated, title 68, chapter 8, cited as the "The Tennessee Anti-Rabies Law," and the Pound Master of the City of Elizabethton, Tennessee, shall have all of the authority given to health officers under said law.

The owner of every dog or cat that is two (2) months of age or older that is kept on property located within the corporate limits of Elizabethton shall have such dog vaccinated in accordance with the regulations of the Tennessee Department of Health for rabies by or under the supervision of a veterinarian duly licensed by the state board of veterinary examiners. The owner of such dog shall bear the expense of such vaccination and shall secure from the veterinarian a certificate showing the date of such vaccination. (2000 Code, § 10-203, modified)

10-204. Dogs and cats required to be tagged. The owner of each dog that is kept on properties located within the corporate limits shall take the certificate of the veterinarian showing the dog has been vaccinated for rabies to the City Clerk of Elizabethton and shall secure a certificate from the city and serially numbered license tag, which tag shall be fastened to the collar of the dog. This tag will be issued only upon evidence of the vaccination and upon the payment of a license fee of three dollars (\$3.00). Such license tag shall be issued annually on or before the first day of April of each year. In case of the loss of a tag from any dog, to which the same has been legally issued, on presentation by the owner of the city certificate to the city clerk, covering the tag originally issued and lost, a new certificate marked "duplicate" shall be issued setting forth

the number of the new tag, with a copy of said new certificate being given to the owner, upon payment of a fifty cent (\$0.50) fee. (2000 Code, § 10-204, modified)

10-205. Noisy dogs prohibited.¹ 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. (2000 Code, § 10-205)

10-206. Pound, pound master and pound fees. Impoundment shall be in any place designated by the city manager as suitable therefor and such place shall be called the pound. The person responsible for the maintenance, care and restriction of these dogs and cats shall be designated the pound master. Each owner shall pay a maintenance fee of ten dollars (\$10.00) per day of impoundment. (2000 Code, § 10-206, modified)

10-207. Enforcement of chapter and disposition of impounded dogs. Any member of the police department, or any other person so designated by the city manager, shall be authorized to enforce this chapter and shall be authorized to take charge of any dog or cat which is kept on properties located within the corporate limits of Elizabethton, that does not have a current license tag, or any dog or other domesticated animal which is vicious or has a propensity to bite human beings as defined in this chapter, or any stray dog or cat. If said dog or cat is wearing a license tag, the owner shall be notified by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog or the same will be destroyed or disposed of as hereinafter provided. If said dog or cat is not wearing a license tag, the same shall be destroyed or disposed of as hereinafter provided, unless legally claimed by the owner within three (3) days. No dog shall be released in any event from a pound unless and until it has been vaccinated and licensed as provided herein.

No dog or cat which has been impounded and not redeemed by its owner shall be given away or sold by the pound master; however, the adoption of an impounded animal is hereby specifically allowed, after the animal has spent the required time in the pound, and after the individual requesting adoption has purchased the city dog tag and has had the animal inoculated against rabies.

Before any dog or cat which has been impounded as hereinabove provided can be redeemed by its owner or any other person, such redeeming party shall be required to pay for the privilege of such redemption a charge or fee in the amount of thirty-five dollars (\$35.00) and such fee or charge may be paid at the office of the city clerk, the receipt for payment of which may be used for redemption of said dog or cat.

¹Municipal code reference

Anti-noise regulations: title 11, chapter 2.

The thirty-five dollar (\$35.00) charge or fee referred to above, shall be for the redemption of an animal from the pound for the first (1st) time impoundment of said animal.

If the same animal is impounded a second (2nd) time, within a one (1) year period, the redemption fee shall be seventy-five dollars (\$75.00).

If the same animal is impounded a third (3rd) time, within a one (1) year period, the redemption fee shall be one hundred fifty dollars (\$150.00). (2000 Code, § 10-207, modified)

10-208. When pound master will pick up a dog or cat. When a person is molested by a dog or other domesticated animal which he deems to be vicious, the pound master shall not be required to pick up such animal unless said pound master shall, from his own observation, determine that said animal is or appears to be of a vicious nature, or unless said animal is a dog not wearing an unexpired license tag, or unless the person so complaining shall swear out a warrant against the owner of such animal. In the latter event said animal will be picked up by the pound master and held awaiting the trial of the issue between the owner of the animal and the person filing the complaint.

In all cases where a dog or other animal has bitten or broken the skin of a human being, and where the doctor treating the patient so bitten is of the opinion that the animal should be quarantined, the animal shall be confined by the owner at the city pound for a period of not less than ten (10) days. The owner of the animal shall bear the expense of its upkeep during the period of confinement. The pound master shall be authorized on any such occasion to go upon private property, if necessary, to pick up the animal known to have bitten or broken the skin of a human being, for the purpose of the enforcement of this provision of this chapter. (2000 Code, § 10-208, modified)

10-209. Violations. The violation of any of the provisions of this chapter shall be a misdemeanor and any person, firm, or corporation found guilty of such a violation shall be subject to a fine. (2000 Code, § 10-209)

10-210. Fees and fines. All fees and fines collected by the City of Elizabethton under the provisions of this chapter shall be used toward the payment of the expenses in connection with the carrying out of the provisions of this chapter. (2000 Code, § 10-210)

CHAPTER 3**BIRD SANCTUARY****SECTION**

10-301. City designated as a bird sanctuary.

10-301. City designated as a bird sanctuary. (1) The entire area embraced within the corporate limits of the City of Elizabethton, Tennessee is hereby designated as a bird sanctuary.

(2) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City of Elizabethton, Tennessee, then in such event said health authorities shall meet with representatives of the Audubon Society, bird club, garden club, or humane society, or as many of said clubs as are found to exist in the City of Elizabethton, Tennessee, after having given at least three (3) days' actual notice of the time and place of said meeting to the representatives of said clubs.

(3) If as a result of said meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and such manner as is deemed advisable by said health authorities under the supervision of the Chief of Police of the City of Elizabethton, Tennessee.

(4) Nothing in this section shall be construed as conflicting with state law. (2000 Code, § 10-301, modified)