CHAPTER 1

IN GENERAL

SECTION
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.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, 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 corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. 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. Any person aggrieved by the health officer's decision in any such case may appeal the same to the city council. (1970 Code, § 3-102, modified)

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. (1970 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, safe condition and wholesomeness for food if so intended. (1970 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. (1970 Code, § 3-105)

10-106. **Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise inhumanely abuse or injure any dumb animal or fowl. (1970 Code, § 3-106)

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 any police officer or other properly designated officer or official 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.
CHAPTER 2

DOGS

SECTION
10-201. Rabies vaccination and registration required.
10-203. Running at large prohibited.
10-204. Vicious dogs.
10-205. Noisy dogs prohibited.
10-206. Seizure and disposition of dogs running at large.
10-207. Seizure and disposition of dogs suspected of being rabid.
10-208. Destruction of vicious or infected dogs running at large.
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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). (1970 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1970 Code, § 3-202)

10-203. Running at large prohibited. 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.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

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

(1) Definitions. (a) "Vicious dog" is:

1State law reference
(i) Any dog with a known propensity, tendency or disposition or whose conduct indicates same, to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals, or

(ii) Any dog which without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;

(b) "At large" is: Any dog which is unattended and/or unrestrained and/or uncontained on the property of someone other than its owner.

(2) Responsibilities of the owner of a vicious dog. (a) The owner of a vicious dog shall not permit the dog to go unconfined.

(b) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of nine (9) gauge wire, or stronger, and inspected and approved by the animal control officer. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. This structure must be at least ten (10) feet from an adjoining property owner's property; this structure shall leave an outer fence three (3) feet from the interior fence constructed of at least the same gauge material.

(c) Leash and muzzle. The owner of a vicious dog shall not allow or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(d) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(e) Insurance. Owners of vicious dogs must provide proof to the city recorder of liability insurance in the amount of at least fifty thousand dollars ($50,000.00,) insuring the owner for any personal injuries inflicted by his or her vicious dog.

(3) Observation, seizure, impoundment and disposition of vicious dogs. (a) In the event that a vicious dog is found at large and unattended on the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the
discretion of the animal control officer or the chief of police, be destroyed if it cannot be confined or captured.

(b) (i) Upon the complaint of an individual that a person is keeping a vicious dog on premises in the City of Rockwood, the animal control officer shall investigate, and if after investigation the dog is not contained by standards found in § 10-212(2)(b), the facts indicate that the person named in the complaint is keeping a vicious dog in the city, the animal control officer may enter upon private premises in order to seize any such vicious dog, whether running at large or not. An animal so seized shall be impounded for a period of seven (7) days. A written notice of the impoundment shall be given by the animal control officer to the person keeping the vicious dog, and shall be served personally or by certified mail.

(ii) A citation or warrant shall also be served upon the keeper of said vicious dog pursuant to the provisions found in this code.

(c) Hearing on impoundment destruction. The keeper of an impounded dog shall have the right to appear at a hearing to contest the impoundment, and/or defend the charges set forth in the citation issued to him.

(i) The hearing shall be before the Rockwood City Judge, and shall be conducted as are other matters in municipal court. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(ii) After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner, conditioned upon the owner complying with the requirements set forth in this section or with any other requirements necessary to protect the public health, or safety. The judge shall also determine if the keeper of said vicious dog has violated the provisions hereof and issue an order accordingly.

(iii) If the owner of an impounded dog fails to appear at a hearing, the dog shall be destroyed.

(d) The animal control officer of the City of Rockwood shall have the authority to enforce this chapter without a warrant or citation if he observes a violation occurring in his presence.

(e) Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city.
(4) **Vicious dog exemptions.** (a) The prohibitions contained in this section shall not apply to the keeping of vicious dogs in the following circumstances:

(i) The keeping of guard dogs, at both commercial establishments and residences, under the following provisions:

Guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious dog pursuant to this section. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," or "vicious dog," and the owner of such premises shall inform the chief of police that a guard dog is on duty at said premises. Any gate to any fence enclosing guard dogs shall be kept closed when persons are located upon the property housing them.

(ii) Animals under the control of a law enforcement or military agency.

(5) **Penalty provisions.** It shall be unlawful for anyone to harbor or maintain or own a vicious dog as defined herein in violation of or in noncompliance with the provisions hereof and anyone who shall do so shall be subject to the § 10-209, fees. (as amended by Ord. #07-1097, Jan. 2007)

**10-205. Noisy dogs prohibited.** 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. (1970 Code, § 3-205)

**10-206. Seizure and disposition of dogs running at large.** Any dog found running at large shall be seized by the animal/litter control officer or by any police officer and confined in a suitable place provided or designated by the city council. If such dog is wearing a tag, the owner shall be notified by a telephone call or by a post card addressed to his last-known mailing address or by a written notice posted in three or more conspicuous public places in the city to appear within three (3) days and redeem his dog or the same will be humanely destroyed or otherwise disposed of by the animal/litter control officer. If the dog is not wearing a tag, it may be humanely destroyed or otherwise disposed of unless legally claimed by the owner within three (3) days. No dog shall be released in any event from the pound unless and until it has been registered, vaccinated, and had a tag placed on its collar. (1970 Code, § 3-206, as amended by Ord. #1024, Oct. 1998)

**10-207. Seizure and disposition 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 poundmaster, health officer, or chief of police may cause such dog to be seized and/or confined or isolated for observation for up to two (2) weeks. If such dog
is found to be rabid, it will be humanely disposed of. If such dog is found not to be rabid it shall be released to its owner upon his payment of any expenses incurred by the city on his behalf. If upon reasonable notice the dog's owner refuses to pay such costs the dog shall be humanely destroyed or otherwise disposed of.¹  (1970 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. 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 any policeman or other properly designated officer.

10-209. Fees. The following fees are hereby prescribed and shall be collected by the city:

Impounding a dog:
First offense ........................................ $25.00
Second and subsequent offenses ............... $50.00

Plus the cost of spaying or neutering for adoption. (1970 Code, § 3-208, as amended by Ord. #1024, Oct. 1998, modified)

10-210. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

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).