

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
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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, 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. (1992 Code, § 3-101)

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (1,000') of any residence, place of business, or public street, as measured in a straight line. (1992 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

¹Wherever this title mentions dogs it pertains to dog and cats.

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1992 Code, § 3-103)

10-104. Storage of food. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1992 Code, § 3-104, modified)

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. (1992 Code, § 3-105)

10-106. 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 any police officer or other properly designated officer or official and confined in a pound provided or designated by the mayor and board of commissioners. 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 mayor and board of commissioners, or said animal may be ordered removed from the jurisdiction of the town under such conditions as the town court shall determine appropriate in the circumstances.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the mayor and board of commissioners, to cover the costs of impoundment and maintenance. (1992 Code, § 3-107, as amended by Ord. #7, Jan. 1993)

10-107. Violations and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs and cats to wear tags.
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- 10-204. Noisy dogs prohibited.
- 10-205. Confinement of dogs and cats suspected of being rabid.
- 10-206. Seizure and disposition of dogs and cats.
- 10-207. Destruction of vicious or infected dogs and cats running at large.
- 10-208. Dogs and cats in heat to be restrained.
- 10-209. Nuisance prohibited.
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- 10-211. Violations and penalty.

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" or other applicable law. (1992 Code, § 3-201)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat, for a period of five (5) consecutive days, which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1992 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog or cat to run at large, including the owner of the dog or cat, may be prosecuted under this section even if the dog or cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1992 Code, § 3-205)

10-204. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1992 Code, § 3-207)

¹State law reference

Tennessee Code Annotated, § 68-8-107.

10-205. Confinement of dogs and cats suspected of being rabid.

If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1992 Code, § 3-208)

10-206. Seizure and disposition of dogs and cats. (1) Any dog or cat found running at large or otherwise in violation of the provisions of this chapter of the Lookout Mountain Municipal Code may be seized by any police officer or other properly designated official or officer and placed in a pound provided or designated by the mayor and board of commissioners. Any dog properly registered and wearing the appropriate tags shall be returned to the home of the owner, if possible, and if not possible, shall be retained in the pound of the town for a period not to exceed three (3) days. Any unregistered or untagged dog or cat shall be delivered to the humane educational society on the same day that it is seized. After three (3) days of holding a registered or tagged dog or cat in the town facility the animal may be delivered to the humane educational society.

(2) A handling and processing fee or arrest fee, shall be charged to the owner of any dog or cat so seized in the amount of twenty-five dollars (\$25.00) and a charge of five dollars (\$5.00) per day shall be made for the boarding and detention of any properly registered or tagged dog or cat. The owner of any unregistered dog or cat impounded may claim and redeem it upon compliance with the registration provision of this chapter and payment of the registration fee, arrest fees and boarding fees required in this chapter in addition to any other fees applicable thereto. A fine not to exceed fifty dollars (\$50.00) shall be levied upon the owner of the dog or cat so seized and charged. Upon the third offense and, in the discretion of the town judge, the offending animal may be ordered removed from the town limits. Any animal suspect of being rabid or having bitten someone shall be retained for a period of ten (10) days for observation at the home of the owner, at the pound of the town or at the humane education society. All costs of such detainer shall be borne by the owner of the animal. In the event the appropriate officers are unable to restrain or otherwise confine the offending animal or if the animal is rabid or suspect of being rabid or has bitten a person, is otherwise considered a threat to the community or persons, or is a stray, the animal may be tranquilized or disposed of by any appropriate means.

(3) Animals may be seized on private property only with consent of the property owner or occupant or if the property owner or occupant files a complaint; provided, however, that an animal which has bitten someone or is suspected of being rabid may be seized anywhere.

(4) Any dog or cat seized under the provisions of this section and unclaimed by its owner within the appropriate time may be redeemed by a person other than the owner by full compliance with all registration and fee

provisions of this chapter, if such persons shall furnish two (2) satisfactory references and sign an agreement that the dog or cat will be cared for humanely and returned to the pound if demanded. Such persons shall also agree that in the event the owner of such dog or cat claims it within a period of thirty (30) days, upon demand of the poundkeeper and payment by the owner to the poundkeeper for the use and benefit of such person or the fee and board and other expenses paid out by such person and board for the period that such person has cared for the dog or cat at the rate of five dollars (\$5.00) per day, such dog or cat will be returned to the poundkeeper who shall return it to the owner. Dogs and cats shall not be released to public persons other than the owners for any purpose other than to serve as pets or watch dogs. (Ord. #21, Aug. 1993, as amended by Ord. #111, Dec. 2001)

10-207. Destruction of vicious or infected dogs and cats running at large. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any police officer¹ or other properly designated officer. (1992 Code, § 3-210)

10-208. Dogs and cats in heat to be restrained. It shall be unlawful for any person to own or keep any dog or cat known to be in heat unless such dog or cat is confined and are otherwise restrained so as to prevent other dogs and cats from coming about and creating a nuisance. (Ord. #21, Aug. 1993)

10-209. Nuisance prohibited. It shall be unlawful for any dog or cat to cause damage to property of others and to create a nuisance by entering onto the land of others and causing damage to property or containers for the disposal of garbage, refuse or recyclable materials or otherwise disturbing the peace and quiet of any neighborhood. (Ord. #21, Aug. 1993)

10-210. Vicious dogs. (1) For the purpose of this section, "vicious dogs" means:

- (a) Any dog which has attacked a human being or domestic animal one (1) or more times without provocation;
- (b) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of *Darnell v. Shapard*, 156 Tenn. 544, 3 S.W.2d 661 (1927).

- (c) Any dog that snaps, bites or manifests a disposition to snap or bite;
- (d) Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;
- (e) Any dog trained to attack human beings, upon command or spontaneously, in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Tennessee or the United States or a branch of the armed forces of the United States;
- (f) Staffordshire terrier breed of dog;
- (g) The American pit bull breed of dog;
- (h) The American Staffordshire terrier breed of dog;
- (i) 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; or
- (j) Any dog which has the appearance and characteristics of being predominantly of the breed of Staffordshire terrier; any other breed commonly known as pit bulls, pit bull terriers, or a combination of any of these breeds.

(2) An application to license a vicious dog must include, in addition to any information required above, the following:

(a) Presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of five hundred thousand dollars (\$500,000.00) for the injury or death of any person, for damage to property of others and for acts of negligence by the owner, or his or her agents, in the keeping or owning of such vicious dogs. Said certificate shall require notice to the town, in conformity with general town standards for certificates of insurance, in the event the underlying policy of insurance is canceled for any reasons.

(b) The cancellation or other termination of any insurance policy presented to comply with this section, shall automatically revoke and terminate the licenses issued under this subsection unless another certificate, complying with this section, shall be provided showing insurance in the effect at the time of such cancellation or termination.

(c) Applicant shall pay to the town an administrative fee of one hundred fifty dollars (\$150.00) to defray the costs of administration of this act. The application must be presented to the town recorder with two (2) color photos of the dog.

The owner of the vicious dog shall be required to notify the town within twenty-four (24) hours of any transfer of ownership of the dog, the dog's escape or death, any change of address by the owner, or birth of offspring to the dog.

(3) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled provided below. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet (6') in height and at least six feet (6') taller than any internal structure.

All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock which such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2') so as to prevent digging under the walls by the confined dog. All pens must have a sign with minimum two inch (2") lettering saying "BEWARE OF VICIOUS DOG." The town marshal or other person designated by the town manager is empowered to inspect such pens at least once per year.

All structures erected to house vicious dogs must comply with all zoning and building regulations of the town. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious 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.

No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet (6') in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen (18) years of age or older.

Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure. Violation of this section is a misdemeanor and shall be punishable to the maximum allowable under law for each violation.

(4) A vicious dog which is found twice not to be confined as required by this section shall be required to be permanently removed from the town or destroyed. An animal which is returned to the town after removal under this section shall be destroyed.

(5) All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the town, if, however, the animal is again found unlicensed in the town or if the person holding or keeping the animal chooses not to remove it from the town, then the dog shall be destroyed. This section shall not apply to a dog which, upon initial notice to its owner, the owner agrees to properly license and confine; or to a dog for which a hearing has been requested under this chapter to determine if it is vicious until there has been a final decision on the questions raised at hearing at which time the owner may, if the dog is found vicious, properly license and confine said dog. (Ord. #120, Jan. 2004)

10-211. Violations 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.