

## TITLE 10

### ANIMAL CONTROL

#### CHAPTER

1. IN GENERAL.
2. DOGS.

#### 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.
- 10-108. Inspections of premises.
- 10-109. Exceptions pertaining to domesticated female chickens.

**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, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1984 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 within one thousand (1,000) feet of any residence, place of business, or public street, 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. (1984 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. (1984 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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1984 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. (1984 Code, § 3-105)

**10-106. 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, § 3-106)

**10-107. 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 the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. 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 board of mayor and aldermen.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1984 Code, § 3-107)

**10-108. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1984 Code, § 3-108)

**10-109. Exceptions pertaining to domesticated female chickens.** Notwithstanding the provisions of §§ 10-101 10-108 above, or any applicable zoning restrictions pertaining to the same, the keeping of domesticated female

chickens may be permitted subject to the following restrictions, prohibitions, and conditions:

Permits available at the office of the City of Munford Building/Code Department, 1397 Munford Ave., Munford, Tennessee, 38058.

(1) The issuance of a permit does not create a vested right of renewal of the permit beyond the stated item therefor.

(2) Each parcel shall contain one (1) single family dwelling and must have a minimum lot size of eight thousand (8,000) square feet and will only be allowed in the residential zoned districts of R-1 and R-2 only.

(3) All pens must be at least five feet (5') from the property lines and no closer than fifty feet (50') from any adjacent principal structure, nor situated on an adjacent parcel, other than that of the owner of the domesticated female chickens. Portable pens shall be periodically rotated throughout the rear yard.

(4) Domesticated female chickens shall not be allowed to roam free unless attended and in the rear yard. If a parcel is (4) four acres or larger, chickens may roam free if all distance requirements listed in subsection(3) are being met.

(5) The maximum number of domesticated female chickens permitted is based on lot size:

Zoned R-2 (must be a minimum of 8,000 sq. feet)	06 chickens
Zoned R-1 (lot size of 8,000 -12,500 sq. feet)	06 chickens
12,500 sq. feet - (1) one acre	12 chickens
(1) one acre - (4) four acres	16 chickens
(4) four acres and above	30 chickens

(6) Domesticated female chickens shall be kept in an enclosed secure area when not attended. Pens shall include a coop (enclosed structure) containing a minimum of four (4) square feet per domesticated female chicken and an open run area containing a minimum of eight (8) square feet per domesticated female chicken. Pens may be portable.

(7) All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure.

(8) The owner of the domesticated female chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Domesticated female chickens found to be infested with insects and parasites that result in unhealthy conditions may require removal.

(9) All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors.

(10) The coop and pen shall be free from accumulation of animal excretion and objectionable odors. All droppings and body excretions shall be placed in a fly proof container (such refuse shall not be placed in containers for

city solid waste collection). All manure not used for composting or fertilizing shall be removed promptly. Odors from fowl, droppings, or other fowl-related substances shall not be detectable at the property boundaries.

(11) All pens shall be located in the rear yard only.

(12) All pens shall be located away from any drainage areas that could allow fecal matter to enter a storm drainage system or stream. Disposal of litter, waste, and dead chickens on public land or in the sewage or storm water collection system is strictly prohibited.

(13) All feed or other material intended for consumption by the domesticated female chickens shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents.

(14) Adequate shelter, care and control of the domesticated female chickens is required. Any person allowed to keep domesticated female chickens under this section shall comply with all of the provisions and requirements of the city and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the city, and shall be kept in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(15) Domesticated female chickens shall be kept for the household's personal consumption only. Commercial use, such as selling eggs or meat from residences, shall be prohibited. Excess eggs may be given to friends and family or sold at farmer's market where allowed.

(16) There shall be no slaughtering or processing of domesticated female chickens except in the rear yard and must be out of the view of neighboring residences.

(17) Roosters shall not be permitted.

(18) Any city law enforcement officer, and/or city department of building and codes official or his/her designee, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the applicant or property owner so charged listed on permit application, if they cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in city court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The city court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, up to the maximum allowed by state law. Each day of violation shall be deemed a separate violation.

(19) If an existing permit is ever revoked or the caring for domesticated female chickens ever ceases the pen and coop shall be removed from the property.

(20) The permit cannot be transferred or assigned to any other person. A permit shall expire upon the sale or other transfer of the property, or if the permit holder ceases to reside at the property for which the permit was granted.

(21) It shall be unlawful for the owners or others having care and custody of any domesticated female chickens to permit same to be at large on any private property, including that of the owners or those having the care and custody of same, or on any public street, highway, alley, park, and other public places and ways within the city. (as added by Ord. #2016-08-01, Sept. 2016)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

**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) or other applicable law. (1984 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. (1984 Code, § 3-202)

**10-203. Running at large prohibited.**<sup>1</sup> 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. Vicious dogs to be securely restrained.** 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. (1984 Code, § 3-204)

**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. (1984 Code, § 3-205)

**10-206. Confinement 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 health officer or chief of

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<sup>1</sup>State law reference

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

police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1984 Code, § 3-206)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

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 health officer or any policeman.<sup>1</sup> (1984 Code, § 3-207)

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<sup>1</sup>State 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).