

## TITLE 3

ANIMALS AND FOWLS

## CHAPTER

1. IN GENERAL.
2. DOGS.

## CHAPTER 1

IN GENERAL

## SECTION

- 3-101. Swine prohibited.
- 3-102. Running at large prohibited.
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- 3-107. Cruel treatment prohibited.
- 3-108. Seizure and disposition of animals.
- 3-109. Costs for maintenance and disposition of unclaimed animals.

3-101. Swine prohibited. It shall be unlawful for any person to keep or possess swine within the corporate limits of the city. (1953 code, ch. 6, sec. 13, modified)

3-102. 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. (1953 code, ch. 6, sec. 1 and 2, modified)

3-103. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within five hundred (500) 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.

3-104. 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.

3-105. 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 and safety.

All feed shall be stored and kept in a rat-proof, fly-tight building, box, or receptacle.

3-106. 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.

3-107. Cruel treatment prohibited. It shall be unlawful for any person to willfully, wantonly and knowingly torture, torment, deprive of necessary sustenance, cruelly beat or needlessly mutilate, or wound any domestic animal, or willfully or maliciously administer poison to any such animal or offer or expose to any such animal any poisonous substance with the intent that the same should be taken by such animal. Nothing herein shall prohibit the purchase of animals by humane societies, incorporated under the laws of Tennessee for the purpose of humanely selling the same. (ord. passed Sept. 6, 1977, sec. 1)

3-108. Seizure and disposition of animals. All police officers and all other authorized city employees, working under the direction and supervision of the chief of police shall be charged with the enforcement of this chapter and it shall be their duty to take charge of any animal at large or running at large, or which is kept in violation of this chapter and they shall convey the same to an animal clinic which has been designated as the city pound, or if the animal is too large, to an appropriate enclosure or pasture. There, such animal shall be fed, watered, and otherwise cared for during a period of not less than four (4) days unless redeemed earlier by its owner. Any impounded animal may be redeemed by its owner upon payment to the city for each animal so seized and impounded, an impoundment fee of five dollars (\$5.00) for the first impoundment of an animal owned by him, and an impoundment fee of ten dollars (\$10.00) for the second impoundment of an animal owned by him, and an impoundment fee

of twenty-five dollars (\$25.00) for the third and all subsequent impoundments of an animal owned by him. In addition to the impoundment fee, such owner shall also pay a boarding fee, as assessed by the owner of the pound, per day for each day or fraction thereof the animal remains unclaimed. The payment of the fees as set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter.

The impounding authority shall, not later than the day following the impounding of an animal, serve written notice upon the owner thereof, if known, by mail or in person. If such owner is unknown, the impounding authority shall post one (1) written notice describing the impounded animal; said notice being posted in the city hall in Kenton, Tennessee. In either case the notice shall state that the impounded animal or fowl must be claimed within four (4) days by paying the costs or the animal will be humanely destroyed or sold. If after a period of four (4) days from the date of service or posting of such notice the animal is not redeemed in the manner set forth herein, it shall be humanely destroyed, sold or otherwise disposed of in the public interest.

Whenever any individual shall apply to the health officer for permission to adopt or buy any impounded animal remaining unclaimed, the health officer may sell to the individual such unclaimed animal or surrender such animals to the individual for adoption upon the payment of the fees as set forth herein.

For the purpose of enforcing this chapter, police officers and all other authorized city employees, are authorized to go upon private property, if necessary, to pick up any animal or any other domesticated animal. (ord. passed Sept. 6, 1977, sec. 1, modified)

3-109. Costs for maintenance and disposition of unclaimed animals. When animals are picked up under provisions of this chapter and held in the city pound for a period of four (4) days and the owner of said animal is unknown, the costs for the maintenance and disposition of such animals shall be borne by the city, under arrangements to be made between the city and the operator of the animal clinic designated as the city pound. (ord. passed Sept. 7, 1977, sec. 1, modified)

## CHAPTER 2

DOGS

## SECTION

- 3-201. Definitions.
- 3-202. Vicious dogs to be securely restrained.
- 3-203. Seizure and disposition of dogs.
- 3-204. Handling complaints against dogs.
- 3-205. Quarantine of dogs.
- 3-206. Running at large prohibited.
- 3-207. Noisy dogs prohibited.
- 3-208. Concealing dogs kept in violation of chapter.
- 3-209. Summary destruction of vicious, sick or injured dogs authorized.
- 3-210. Violations.

3-201. Definitions. Where the following words are used in this chapter, they shall have the following meanings:

(1) "Dog". All members of the canine family three (3) months or more of age, and also all pet wolves, foxes, racoons and like small animals.

(2) "Owner". Any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his care or acts as its custodian, or who permits a dog to remain on or about any premises occupied by such person.

(3) "Vicious dog or other domesticated animal". Any dog or other domesticated animal which has attacked or which has shown a vicious propensity to endanger, bite, or maim any human being.

(4) "At large". The term "at large" or "running at large" shall be intended to mean off the fenced premises of the owner, or not under control of the owner, or habitually being found on public school premises.

(5) "Control". The term "control" shall mean that the animal must be on a leash, cord or chain secured to a stationary object or the hand of the owner, or other qualified person.

(6) "Vicious propensity". The natural or habitual inclination or tendency to do any act that might endanger the safety of the person and property of others in any given situation including, but not limited to, the habitual chasing of bicycles, motor bikes, motorcycles, motorscooters, automobiles and trucks on either public or private property; a natural fierceness or disposition to mischief that might occasionally lead a dog to attack human beings without provocation. (Ord. passed Sept. 6, 1977, sec. 1)

3-202. Vicious dogs to be securely restrained. It shall be unlawful for any person to keep any dog of a vicious propensity unless it is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. Any person violating the provisions of this section shall be subject to a fine under the general penalty clause for this code. In addition, any person working under the supervision of the public health officer, the chief of police, or the rabies control officer shall be authorized to impound or destroy, in the manner provided by this chapter, any dog of a vicious propensity found at large.<sup>1</sup> (ord passed Sept. 6, 1977, sec. 1)

3-203. Seizure and disposition of dogs. Any dog found running at large or which is being kept in violation of this chapter shall be seized and disposed of pursuant to the provisions of chapter 1, section 3-108 of this title. (ord. passed Sept. 6, 1977, § 1, modified)

3-204. Handling complaints against dogs. When any person complains that he is molested by a dog or other domesticated animal which such person deems to be vicious, the animal and safety control officer shall not be required to pick up such animal unless said officer shall, from his own observations, determine that the animal is or appears to be of a vicious nature, or unless the person or persons so complaining shall swear out a warrant against the owner of such animal, in which event said animal will be picked up by the "animal and safety control officer" and held awaiting the trial of the issue between the owner of the animal and the person filing the complaint.

Such trial shall be held promptly in the city court. Any person appealing the decision of the city judge, shall make an appeal bond adequate to cover the cost of maintaining the dog or other domesticated animal in the city pound or such animal clinic as may be used by the city. (ord. passed Sept. 6, 1977, sec. 1)

3-205. Quarantine of dogs. In all cases where a dog or other animal has bitten, scratched, 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 an animal clinic approved by the "animal and safety control officer" for a period of not less than ten (10) days. The owner of the animal shall bear the expense of its upkeep for the period of

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<sup>1</sup>For a Tennessee supreme court case upholding the summary destruction of dogs pursuant to appropriate legislation see Darrell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

confinement. For the purpose of enforcing this section, the animal and safety control officer is authorized to go upon private property, if necessary, to pick up any animal known to have bitten, scratched, or broken the skin of a human being.

Every owner of a female dog in heat is required to confine her twenty-four (24) days during the time she is proud or in heat. Every person violating the provisions of this section shall be guilty of misdemeanor and shall be subject to a fine under the general penalty clause for this code. In addition, any person working under the supervision of the public health officer, the chief of police, or the rabies control officer shall be authorized to destroy any proud bitch found at large in violation of this section. (ord. passed Sept. 6, 1977, sec. 1)

3-206. Running at large prohibited. No dog, whether licensed or not, shall be allowed to run or be at large within the city, unless such dog is on a leash in the hands of a person mentally and physically capable of managing it, so that it shall not bite or injure any person or animal, or damage any property. (ord. passed Sept. 6, 1977, sec. 1)

3-207. Noisy dogs prohibited. No person shall own, or harbor any dog which, by loud and frequent barking, whining or howling, annoys or disturbs the peace and quiet of any neighborhood. (ord. passed Sept. 6, 1977, sec. 1)

3-208. Concealing dogs kept in violation of this chapter. Any person who shall hide, conceal, or aid or assist in hiding or concealing any dog owned, kept, or harbored in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined under the general penalty clause of this code. (ord. passed Sept. 6, 1977, sec. 1)

3-209. Summary, destruction of vicious, sick or injured dogs authorized. Personnel operating under the supervision of the public health officer, the rabies control officer and/or chief of police shall take up and impound any dog found running at large in violation of section 3-108 of this chapter; provided, that if any dog so found is sick, injured or of a vicious nature, such personnel may humanely destroy such dog immediately.<sup>1</sup> If, in the attempt to seize any dog, it becomes impossible to secure it with the hands, such personnel, if convinced that the seizure of the dog is necessary to the public welfare and safety, may destroy it by shooting it, providing he is close enough to the animal to kill it humanely

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<sup>1</sup>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 (1927).

and so far removed from any bystander that no human life may be imperiled by the act. (ord. passed Sept. 6, 1977, sec. 1)

3-210. Violations. The violation of any of the provisions of this chapter shall be a misdemeanor and any person, firm or corporation found guilty of violating such provisions shall be subject to a fine under the general penalty clause for this code. (ord. passed Sept. 6, 1977, sec. 1)

(RESERVED FOR FUTURE USE)