

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 hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, 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. (1977 Code, § 3-101, as amended by Ord. #2006-116, Nov. 2006)

10-102. Animals prohibited. It shall be unlawful for any person to keep hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock within the corporate limits unless the property is zoned agriculture and contains five (5) or more acres.

This section shall not be applicable to property used to keep the aforementioned animals as of the effective date of the enactment of this chapter. The keeping of said animals shall be treated as a non-conforming use and authorized by the Ridgetop Zoning Ordinance. At such time as the property ceases to be used to keep said animals, this section shall be applicable to said property. (1977 Code, § 3-102, as amended by Ord. #2006-116, Nov. 2006)

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. (1977 Code, § 3-103, as amended by Ord. #2006-116, Nov. 2006)

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. (1977 Code, § 3-104, as amended by Ord. #2006-116, Nov. 2006)

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. (1977 Code, § 3-105, as amended by Ord. #2006-116, Nov. 2006)

10-106. [Deleted.] (1977 Code, § 3-106, as amended by Ord. #2006-116, Nov. 2006, and deleted by Ord. #2006-119, Jan. 2007)

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 governing body. 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. The notice shall state that the impounded animal or fowl must be claimed within seven (7) 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. (1977 Code, § 3-107, as amended by Ord. #2006-116, Nov. 2006)

10-108. [Deleted.] (1977 Code, § 3-108, as deleted by Ord. #2006-116, Nov. 2006)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Definitions.
- 10-202. Vaccinations.
- 10-203. Dogs not allowed at large--exception.
- 10-204. Impoundment; redemption by owner.
- 10-205. Disposition of unlicensed or unclaimed dogs/cats.
- 10-206. Confinement of dogs/cats which have bitten persons, are suspected of having rabies, etc.
- 10-207. Authority to impound dogs/cats.
- 10-208. Interfering with police officers or health department officials.
- 10-209. Collection and disposition of fees.
- 10-210. Noisy pets prohibited.
- 10-211. Law enforcement work dogs.

10-201. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "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 habitually remain on or about any premises occupied by that person.

(2) "Vaccination." The process whereby an animal is immunized against rabies using a vaccine and a technique approved by the board of health.

(3) "City veterinarian." Person employed or hired on a contract basis by the City of Ridgetop who meets the standards of Veterinary Medicine for the State of Tennessee. (1977 Code, § 3-201, as amended by Ord. #2006-116, Nov. 2006)

10-202. Vaccinations. (1) Vaccinations of dogs or cats required. It shall be unlawful for any owner to keep, harbor or permit to remain on or about any premises any dog or cat over six (6) months of age which has not been vaccinated against rabies as required by the board of health. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination, and such certificate shall be kept by the person who owns, keeps, harbors such dog or cat, subject to the inspection of the animal control and police department.

(2) Standard for vaccine and vaccination. It shall be the duty of the veterinarian, duly licensed by the state board of veterinary medical examiners and approved by the board of health, to administer such a vaccination and to perform such vaccination in such a manner as meets the standards of State

Board of Veterinary Medical Examiner. (1977 Code, § 3-202, as amended by Ord. #2006-116, Nov. 2006)

10-203. Dogs not allowed at large--exception. (1) It is unlawful for any person to allow a dog belonging to or under the control of such person, or that may be habitually found on premises occupied by the person or immediately under the control of such person, to go upon the premises of another, or upon a highway or upon a public road or street, provided, that this section shall not apply to a dog on a hunt or chase, or on the way to or from a hunt or chase, nor a dog guarding or driving stock, or on the way for that purpose, nor to a dog being moved from one place to another, by a person owning or controlling a dog provided, however, that the foregoing exemptions shall not apply unless all damages done by dogs therein exempted, to the person or property of another, shall be paid or tendered to the person so damaged, or to the person's agent, within thirty (30) days after the damage is done.

(2) Any dog found running at large or any dog or cat found without a proper rabies tag may be seized by the proper authorities of the animal control and police departments. Any owner whose dog if found to be running at large or whose dog or cat has not been vaccinated against rabies, shall be guilty of a violation.

(3) When any person is charged with a violation of this section, the animal control officer, or his designated representative, is hereby authorized to issue a citation for such violation. When a citation is issued for a violation of this section, it shall be the duty of the court in which such case is set for trial to try the same without the issuance or service of a warrant upon such defendant, provided the defendant has signed a waiver on such citation agreeing to come to court and waiving the issuance and service of a warrant upon him.

(4) Notwithstanding the foregoing paragraph, any person so cited for a violation of this section may elect to pay a fine of one hundred dollars (\$100.00), for the first offense; two hundred fifty dollars (\$250.00) for the second offense; and five hundred dollars (\$500.00), for the third and any subsequent offense, prior to the court date, in lieu of appearing in court. (1977 Code, § 3-203, as amended by Ord. #2006-116, Nov. 2006)

10-204. Impoundment; redemption by owner. When any dog is found running at large or when any dog or cat is found without a proper rabies tag it shall be impounded, and the owner, if the dog/cat bears a tag of identification, shall be sent by mail a postcard addressed to the last known mailing address or notified in person, to appear within five (5) days and redeem his dog/cat, or the same will be disposed of. If the owner appears to redeem his dog/cat, he shall pay for each dog/cat so seized and impounded an impoundment fee of thirty dollars (\$30.00) and a boarding fee of ten dollars (\$10.00) per day for each day or fraction thereof the dog/cat remains unclaimed. If the dog/cat so seized has not been vaccinated, the owner shall, before he is permitted to regain

possession of such dog/cat, have such dog/cat vaccinated and licensed and present the license registration to the animal control authority. No impounded dog shall be released without wearing a collar and a leash.

The payment of this fee, however, and the delivery of the dog/cat to the owner shall not relieve the owner from any other penalty for the violation of this chapter. If the owner does not appear after notice has been mailed to him, or if after appearing, declines to pay the fee as set out above and redeem his dog/cat then the dog/cat shall be disposed of, in accordance with § 10-205. (1977 Code, § 3-204, as amended by Ord. #2006-116, Nov. 2006)

10-205. Disposition of unlicensed or unclaimed dogs/cats. (1) It shall be the duty of the animal control officer to keep all dogs/cats so impounded for a period of two (2) days. If, at the expiration of two (2) days from the date notice is mailed to the owner of any dog found running at large, or any dog or cat is found without a proper rabies tag, such dog/cat shall not have been redeemed or claimed or at the expiration of two (2) days from the date of seizure of any unlicensed dog/cat, required by law to be licensed, such dog/cat may be disposed of as follows:

(a) Whenever any research institution shall apply to the department of health for permission to use for research purposes any impounded dogs/cats remaining unclaimed, the chief medical director may, at his discretion, sell to the institution such unclaimed dogs/cats as it has requested; provided the board of mayor and aldermen shall determine the fee to be paid by such institution.

(b) Whenever any individual shall apply to the animal control department for permission to adopt or buy any impounded dog/cat remaining unclaimed, the director may sell to the individual such unclaimed dogs/cats or surrender such dogs/cats to the individual for adoption upon a payment of a fee set by the board and mayor of aldermen.

All animals adopted from the shelter shall be vaccinated against rabies, and spayed or neutered by a licensed veterinarian. The new owner shall sign a written agreement with the City of Ridgetop stating that the new owner shall have the dog or cat spayed or neutered by a licensed veterinarian, within thirty (30) days of the date of adoption, if such dog or cat is sexually mature, or within thirty (30) days after the dog or cat reaches six (6) months of age, if the dog or cat is not sexually mature at the time of adoption. The cost of these services shall be paid for by the person(s) adopting the animal. If the dog or cat being adopted has not been spayed or neutered the City of Ridgetop shall require a deposit of twenty-five dollars (\$25.00) from the new owner prior to the adoption in order to ensure that the dog or cat is spayed or neutered. The new owner may request and shall receive a refund of the deposit from the agency upon providing confirmation of the spaying or neutering. The city may

waive the twenty-five dollar (\$25.00) deposit for an animal sanctuary that adopts a dog or cat and that operates under a policy to require animals to be spayed or neutered.

If the new owner fails to have the dog or cat spayed or neutered within the time frame established or if the spaying or neutering is timely performed, but the new owner fails to request the return of the deposit within an additional ten (10) days after the date by which the spaying or neutering is required to be performed, such deposit shall be forfeited to the City of Ridgetop and shall be used by the City of Ridgetop to conduct programs to spay or neuter dogs and cats and/or to conduct educational programs in support of the spaying or neutering of dogs and cats.

All animals adopted shall have a collar and leash, either furnished or purchased by the person adopting the animals, when they leave the animal shelter.

(c) Whenever any dogs/cats remain unclaimed, such dogs/cats may be destroyed in a manner to be determined by the city. Any person who does not desire to pay the license fee, provided by this chapter upon any dog/cat owned, kept or harbored on premises owned by him, shall bring such dog to the pound operated by the City of Ridgetop to be disposed of.

Any unidentified dog/cat, which the animal control officer, upon the advice of the city veterinarian determines to be suffering from rabies or other infectious or dangerous diseases or to be in misery, need not be released but may be disposed of immediately.

Nothing in this part shall be construed to authorize constructed to authorize the Ridgetop City Hall to spay or neuter a dog or cat, if such dog or cat is being claimed by and returned to its lawful owner. (1977 Code, § 3-205, as amended by Ord. #2006-116, Nov. 2006)

10-206 Confinement of dogs/cats which have bitten persons, are suspected of having rabies, etc. If any animal has bitten any person, or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, the animal control officer may cause the animal to be confined or isolated for, such time as it is deemed necessary by the city veterinarian to protect the safety of people and of property, such confinement or isolation shall be in a place designated by the animal control officer or health department. (1977 Code, § 3-206, as amended by Ord. #2006-116, Nov. 2006)

10-207. Authority to impound dogs/cats. All police officers and animal control officers or other duly authorized person shall have the right to take up and put into pound of the City of Ridgetop any dog/cat found in violation of any provision of this chapter. (1977 Code, § 3-207, as amended by Ord. #2006-116, Nov. 2006)

10-208. Interfering with police officers or health department officials. It shall be unlawful for any person to interfere with or hinder any police officer or any official of the health department, including the animal control officer, in the discharge or apparent discharge of this duty in enforcing the provisions of this chapter. (as added by Ord. #2006-116, Nov. 2006)

10-209. Collection and disposition of fees. It shall be the duty of the city clerk to collect all fees imposed under this chapter. The city manager shall appoint certain officials as may be necessary to work in cooperation with and under the supervision of the director of finance to establish and prescribe sound accounting procedures and to further prescribe the times and manner in which the fees received shall be deposited in the general fund. (as added by Ord. #2006-116, Nov. 2006)

10-210. Noisy pets 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. (as added by Ord. #2006-116, Nov. 2006)

10-211. Law enforcement work dogs. The provisions of this chapter do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. (as added by Ord. #2006-116, Nov. 2006)

CHAPTER 3

VICIOUS DOGS

SECTION

10-301. Definitions.

10-302. Vicious dogs prohibited.

10-303. Impoundment; proceedings against owner.

10-301. Definition. For this purpose of this chapter, the following terms shall have the following meanings:

(1) "Confined" shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet.

(2) "Vicious dog" shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation, or any dog owned or harbored primarily or in part for the purpose of fighting. (as added by Ord. #2006-116, Nov. 2006)

10-302. Vicious dogs prohibited. Is shall be unlawful for any person to keep or harbor a vicious dog within the area of the City of Ridgetop unless the vicious dog is confined. (as added by Ord. #2006-116, Nov. 2006)

10-303. Impoundment; proceedings against owner.

(1) Impoundment. Any vicious dog may be taken into custody by the appropriate authorities of the Ridgetop Police Department and impounded. The fees imposed shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of the City of Ridgetop in impounding the dog.

(2) Court proceeding against owner. If any vicious dog is impounded, the appropriate authorities of the Ridgetop Police Department may institute proceedings in the Ridgetop City Court against the owner charging the owner with violation of this division. Nothing in this section shall be construed as preventing appropriate authorities of the Ridgetop government or a complaining citizen from instituting a proceeding in the Ridgetop City Court for violation of this division where there has been no impoundment.

(3) Court findings. If a complaint has been filed in the Ridgetop City Court against the owner of a dog for violation of this division, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and costs under this chapter, including penalties for violating this chapter. The court may, upon making a finding that the dog is a vicious dog pursuant to this chapter, order the dog to be destroyed in an humane manner by the department of health. (as added by Ord. #2006-116, Nov. 2006)

CHAPTER 4

PIT BULLS

SECTION

- 10-401. Definitions.
- 10-402. Restrictions.
- 10-403. Standards and requirements.
- 10-404. Sale or transfer of ownership prohibited.
- 10-405. Animals born of registered dogs.
- 10-406. Rebuttable presumption.
- 10-407. Failure to comply.
- 10-408. Violations and penalties.

10-401. Definitions. The word pit bull as used in this chapter shall have the following meanings:

- (1) The bull terrier breed of dog; and
- (2) Staffordshire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Staffordshire terrier breed of dog, all of the above breeds to be identified as described by the American Kennel Club and United Kennel Club; and
- (5) 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; and
- (6) Any dogs which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and any other breed commonly known as pit bulls, pit bull terriers; or a combination of any of these breeds. (as added by Ord. #2006-116, Nov. 2006)

10-402. Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Ridgetop, Tennessee, except as provided in this chapter. (as added by Ord. #2006-116, Nov. 2006)

10-403. Standards and requirements. The following standards and requirements apply to pit bull dogs located within the corporate limits.

- (1) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city recorder.
- (2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen, unless such dog is securely leashed with a leash not longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen, unless a person of suitable age and discretion is in physical control of the leash. Such

dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures. In addition, a muzzling device sufficient to prevent such dog from biting persons or other animals shall muzzle all pit bull dogs on a leash outside the animal's kennel.

(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs shall comply with all zoning and building ordinances and regulations of the City of Ridgetop and shall be adequately lighted and ventilated and kept in a clean a sanitary condition.

(4) Confinement indoors. No pit bull 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. In addition, no such dog may be kept in house or structure with the windows open or when screen doors are the only obstacles preventing the dog from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Insurance. All owners, keepers, harborers, or possessors of pit bull dogs shall provide proof to the city recorder of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily to death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining of such animal. Such insurance policy shall provide that no cancellation of this policy will be made unless ten (10) days' written notice is first given to the city recorder.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(8) Reporting requirement. All owners, keepers, possessors, or harborers, of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the city recorder as required hereinafter;

- (a) The removal from the city or death of pit bull dog; or
- (b) The birth of offspring of a pit bull dog; or
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the city. (as added by Ord. #2006-116, Nov. 2006)

10-404. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of Ridgetop unless the recipient person registers the pit bull dog with the city recorder at the time of transfer. The owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Ridgetop. (as added by Ord. #2006-116, Nov. 2006)

10-405. Animals born of registered dogs. All offspring born of pit bull dogs within the City of Ridgetop shall be registered with the city recorder within six (6) weeks of the birth of such animal. (as added by Ord. #2006-116, Nov. 2006)

10-406. Rebuttable presumption. There shall be a rebuttable presumption that any dog registered within the City of Ridgetop as a pit bull dog or any of those breeds defined by § 10-401 hereof is in fact a dog subject to the requirements of this chapter. (as added by Ord. #2006-116, Nov. 2006)

10-407. Failure to comply. It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the City of Ridgetop to fail to comply with the provisions of this chapter. Any dog found to be subject of a violation of this chapter, shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Ridgetop. (as added by Ord. #2006-116, Nov. 2006)

10-408. Violations and penalties. Any persons violating or permitting the violation of any provisions of this chapter shall, upon conviction, be subject to the fine prescribed in the general penalty clause of the Ridgetop Municipal Code. Each day that such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Ridgetop. Should the defendant refuse to remove the dog from the City of Ridgetop, the city judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this chapter. (as added by Ord. #2006-116, Nov. 2006)