

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

1. IN GENERAL.
2. DOGS, CATS, AND ANIMALS IN GENERAL.
3. PIT BULLS.

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

- 10-101. Cruelty.
- 10-102. Livestock, domestic fowl, offensive animals at large prohibited.
- 10-103. Dangerous, mischievous animals at large prohibited.
- 10-104. Seizure, disposition of animals, fowl at large.
- 10-105. Cleanliness of pens, enclosures.
- 10-106. Keeping in stock near residences.
- 10-107. Inspections of premises.

**10-101. Cruelty.** If any person shall overdrive, overload, torture, torment, deprive of necessary sustenance, or cruelly beat, or needlessly mutilate, or kill, or cause or procure same to be done, as aforesaid, any living creature, or use, buy, sell or exchange any horse or mule, when unfit for labor, every such offender shall, for every offense, be guilty of a misdemeanor. Nothing herein shall prohibit the purchase of animals by humane societies, incorporated under the laws of this state, for the purpose of humanely killing the same. (1978 Code, § 3-101)

**10-102. Livestock, domestic fowl, offensive animals at large prohibited.** It shall be unlawful for any person owning or being in charge of any cattle, cows, swine, sheep, horses, mules, goats or any offensive animal, or any chickens, ducks, geese, turkeys or other domestic fowl, to permit them or any of them to run at large in any street, alley or unenclosed lot within the municipality. (1978 Code, § 3-102)

**10-103. Dangerous, mischievous animals at large prohibited.** It shall be unlawful for any person owning or being in charge of a dangerous or mischievous animal to permit the same to run at large. (1978 Code, § 3-103)

**10-104. Seizure, disposition of animals, fowl at large.**

(1) Impounding. Any animal or fowl found running at large in violation of this chapter may be seized by any police officer and impounded in a suitable place provided or designated by the board of mayor and aldermen.

(2) Notice. The owner of any such impounded animal or fowl, if known, shall be notified immediately, either personally or by telephone or postcard, to claim said animal or fowl by payment of all costs incurred by the municipality within ten (10) days. If the owner is not known, then a public notice briefly describing said animal or fowl and giving notice of its impoundment and the time it may be claimed shall be run one time in the official newspaper of the municipality. In the event an impounded animal or fowl is not claimed and the costs paid within ten (10) days, said animal or fowl may be sold, given away, or otherwise humanely disposed of by the chief of police.

(3) Sale, disposal; proceeds of sale. When a sale is made, any proceeds over and above the costs incurred by the municipality shall be remitted to the owner of the animal or fowl sold, if known. Otherwise any such surplus shall be paid into the general fund. (1978 Code, § 3-104)

**10-105. Cleanliness of pens, enclosures.** When animals or fowl are kept within the municipality, the building, structure, corral, pen or enclosure in which they are kept shall be maintained in a clean and sanitary condition at all times. (1978 Code, § 3-105)

**10-106. Keeping stock near residences.** (1) It shall be unlawful to keep any horse, cow, mule, goat, hog, pig or other domestic livestock within one hundred and fifty (150) feet of any residence.

(2) If property that is being used for agricultural purposes is incorporated into the city by annexation, said property shall be grandfathered for the provisions of this section as long as it continues to be used for agricultural purposes. If the property grandfathered herein is subsequently subdivided, any divisions of less than five (5) acres shall then be required to meet the distance provisions contained herein.

(3) Property qualifying for the grandfather provisions of 10-106(2) above that ceases to be used for agricultural purposes for a period of one (1) year shall thereafter become subject to the distance requirements of 10-106(1) as specified above. (1978 Code, § 3-106, as amended by Ord. #02-760, Dec. 2002)

**10-107. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, 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. (1978 Code, § 3-107)

## CHAPTER 2

### DOGS, CATS, AND ANIMALS IN GENERAL

#### SECTION

- 10-201. Tennessee Anti-Rabies Law adopted.
- 10-202. Definitions.
- 10-203. Identification/vaccination tag required.
- 10-204. Restraint.
- 10-205. Impoundment and violation notice.
- 10-206. Animal care.
- 10-207. Keeping of wild animals.
- 10-208. Animal waste.
- 10-209. Sterilization.
- 10-210. Enforcement.
- 10-211. Penalties.

**10-201. Tennessee Anti-Rabies Law adopted.** The provisions of the Tennessee Anti-Rabies Law (Tennessee Code Annotated, §§ 68-8-801 through 68-8-114) are hereby adopted. (1978 Code, § 3-201)

**10-202. Definitions.** As used in this chapter, the following terms are defined below:

- (1) "Animal." Every non-human species of animal, both domestic and wild.
- (2) "Animal-at-large." Any animal not under the restraint of a person capable of controlling the animal and/or off premises of the owner.
- (3) "Animal shelter." Any facility operated by a municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.
- (4) "Animal control officer." Any person designated by the City of Sparta as a law enforcement officer who is qualified to perform such duties under the ordinances of the City of Sparta and/or the laws of the State of Tennessee.
- (5) "Owner." Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.
- (6) "Pet or companion animal." Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- (7) "Public nuisance." Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life

or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (a) Is repeatedly found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Molests or intimidates pedestrians or passersby;
- (d) Chases vehicles;
- (e) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (f) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (g) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (h) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- (i) Attacks other domestic animals; or
- (j) Has been found by the animal control officer, after notice to its owner, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(8) "Restraint." Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

(9) "Vicious animal." Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(10) "Wild animal." Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. (1978 Code, § 3-202)

**10-203. Identification/vaccination tag required.** Dogs must wear identification tags or collars at all times when off the premises of the owners. (1978 Code, § 3-203)

**10-204. Restraint.** (1) All dogs shall be kept under restraint.

(2) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(3) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(4) Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. (1978 Code, § 3-204)

**10-205. Impoundment and violation notice.** (1) Unrestrained dogs and nuisance animals shall be taken by the animal control officer and impounded in an animal shelter and there confined in a humane manner.

(2) Impounded dogs and cats shall be kept for not fewer than three (3) working days.

(3) If, by a license, identification tag, or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or certified mail.

(4) An owner reclaiming an impounded dog or cat shall pay a fee of \$10 and \$3 for each day the animal has been impounded. Subsequent impounds occurring within twelve months are charged double.

(5) Any animal not reclaimed by its owner within three (3) working days shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized with sodium pentobarbital, Fp-3, or cooled and bottled carbon monoxide only so long as these methods do not conflict with the provisions of Tennessee Code Annotated, §§ 44-17-301 through 44-17-305 known as the "Dog and Cat Humane Death Act".

(6) In addition to, or in lieu of, impounding an animal found at large, the codes enforcement or animal control field officer may issue to the known owner of such animal an ordinance citation. Such citation shall impose upon the owner a penalty of \$10 that may, at the discretion of the animal owner, be paid to the City of Sparta, city court clerk in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, an ordinance summons shall be initiated either by the city court clerk, codes enforcement officer, or animal control field officer as provided in Tennessee Code Annotated, §§ 7-63-101 through 7-63-204. Upon conviction of a violation of this chapter, the owner shall be punished as provided in § 10-211 of this chapter.

(7) The owner of an impounded animal may also be proceeded against for violation of this chapter.

(8) The animal control field officer shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter. (1978 Code, § 3-205)

**10-206. Animal care.** (1) No owner shall fail to provide animals in their care with sufficient wholesome and nutritious food, water in sufficient

quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(2) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(3) No owner of an animal shall abandon such animal.

(4) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or the local animal control officer. (1978 Code, § 3-206)

**10-207. Keeping of wild animals.** (1) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee.

(2) No person shall keep or permit to be kept any wild animal as a pet.

(3) The animal control officer shall have the power to release or order the release of any infant wild animal that is deemed capable of survival. (1978 Code, § 3-207)

**10-208. Animal waste.** The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property. (1978 Code, § 3-208)

**10-209. Sterilization.** Sterilization shall be carried out according to the provisions of Tennessee Code Annotated, §§ 44-17-501 through 505, the Tennessee Spay/Neuter Law. (1978 Code, § 3-209, as replaced by Ord. #01-737, Sept. 2001)

**10-210. Enforcement.** The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this chapter to interfere with an animal control officer in the performance of his/her duties. (1978 Code, § 3-210)

**10-211. Penalties.** Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor punishable according to the general penalty provisions of the Sparta Municipal Code except where lesser penalties may be specified otherwise in this chapter. (1978 Code, § 3-211)

## CHAPTER 3

### PIT BULLS

#### SECTION

- 10-301. Definitions.
- 10-302. Restrictions.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Rebuttable presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalties.

**10-301. Definitions.** The words used in this code 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; 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 dog 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 dogs or pit bull terriers; or a combination of any of these breeds. (as added by Ord. #05-795, Aug. 2005)

**10-302. Restrictions.** It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Sparta. Provided, that persons owning such dogs at the time this section was adopted, shall be allowed to keep them subject to the provisions of § 10-303. (as added by Ord. #05-795, Aug. 2005)

**10-303. 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 no 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, all pit bull dogs on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(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 must comply with zoning and building ordinances and regulations of the City of Sparta and shall be adequately lighted and ventilated and kept in a clean and 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 a house or structure when the windows are open or when screen windows or 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 must provide proof to the city recorder of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or 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 the 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 color photographs of the dog clearly showing the color and approximate size of the animal.

(8) Reporting requirements. All owners, keepers, possessors, or laborers of pit bull dogs must 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 a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (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. #05-795, Aug. 2005)

**10-304. 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 Sparta unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that 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 Sparta. (as added by Ord. #05-795, Aug. 2005)

**10-305. Animals born of registered dogs.** All offspring born of pit bull dogs within the City of Sparta must be removed from the City of Sparta within six (6) weeks of the birth of such animal. (as added by Ord. #05-795, Aug. 2005)

**10-306. Rebuttable presumptions.** There shall be a rebuttable presumption that any dog registered within the City of Sparta as a pit bull dog or any of those breeds defined by § 10-301 herein is in fact a dog subject to the requirements of this code. (as added by Ord. #05-795, Aug. 2005)

**10-307. Failure to comply.** It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the City of Sparta to fail to comply with the provisions of this code. Any dog found to be the subject of a violation of this code 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 Sparta. (as added by Ord. #05-795, Aug. 2005)

**10-308. Violations and penalties.** Any persons violating or permitting the violation of any provisions of this code shall be guilty of a misdemeanor, and upon conviction shall be subject to the fine as prescribed in the general penalty clause of the Sparta Municipal Code. Each day such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Sparta. Should the defendant refuse to remove the dog from the City of Sparta, 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 code 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 code. (as added by Ord. #05-795, Aug. 2005)

