

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

1. DEFINITIONS.
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CHAPTER 1**DEFINITIONS****SECTION**

10-101. Definitions.

10-101. Definitions. As used in this title, the words, terms and phrases set forth in this chapter shall have the meanings therein ascribed unless the context in which they are used shall clearly require a different meaning.

(1) "Animal." Any living creature, domestic or wild, to include without limitation, all non-human mammal species and all species of birds, fishes and reptilians.

(2) "Animal at-large or at-large animal." Any animal off the premises of its owner and not under the immediate restraint or control of a person capable of restraining or controlling its actions or movements.

(3) "Animal shelter." Any facility operated by the government of Campbell County, Tennessee for the purpose of impounding animals under authority of and in accordance with the Campbell County "Animal Control and Protection Resolution and Ordinance."

(4) "Cat." Any domestic feline four (4) months of age or older.

(5) "Citation." A document approved as to form by the board of mayor and aldermen issued by an animal control officer and by which an obligation is imposed upon a person to appear before the city court on a date certain to answer a charge of having violated any provision of this title.

(6) "Commercial animal establishment." Any place of business, other than a veterinary hospital or clinic, which is operated for profit or which charges a fee for the shelter, boarding, grooming or care of animals, or which is engaged in the business of selling or breeding animals.

(7) "County animal control officer." Any person employed and designated as such by Campbell County, Tennessee.

(8) "Dog." Any domestic canine four (4) months of age or older.

(9) "Domestic animal." Any animal whose physiology has been determined or manipulated through selective breeding such as does not occur naturally in the wild.

(10) "Livestock." All equine as well as animals which are being raised primarily as work or utility animals or for utilization as food or fiber for human consumption including but not limited to cattle, sheep, swine, goats and poultry.

(11) "Municipal animal control officer." Any person employed and designated as such by the board of mayor and aldermen.

(12) "Non-livestock animal." A pet or companion animal normally maintained in or near the household of its owner including, but not limited to, a pet chick, a pet duck, a pet rabbit, a pet pot bellied pig, previously captured wildlife, an exotic animal, or any other pet or companion animal not classified as livestock under subsection (10) above.

(13) "Nuisance animal." Any animal which, by reason of noise, odor, disease conduct, or the condition of its habitation subjects any person, other than its owner, to any form of unreasonable annoyance or discomfort; causes damage to the property of any person or persons other than its owner; disturbs the public peace; or, which endangers the life, health, safety or well being of other animals or of any person or persons other than the owner. The term "nuisance animal" includes but is not limited to any animal which:

- (a) Is repeatedly found to be at large; or
- (b) Causes damage to the property of anyone other than its owner; or
- (c) Upsets, overturns, opens, or rummages through garbage containers; or
- (d) Chases vehicles; or
- (e) Molests, intimidates, challenges, charges toward, chases after, attacks, bites, snaps at, or jumps towards or upon pedestrians or passers by; or
- (f) Attacks or engages itself in fights with other domestic animals; or
- (g) Has attacked or bitten any person other than its owner; or
- (h) By reason of foul odor emanating from its place of confinement or enclosure causes unreasonable annoyance or discomfort to neighbors or to other persons in close proximity to the premises at which it is kept; or
- (i) By reason of repeated or excessive barking, howling, whining or other noise created thereby causes unreasonable annoyance or discomfort to neighbors or to other persons in close proximity to the premises at which it is kept; or
- (j) Being infected with a contagious disease is kept or harbored in a manner such that other domestic animals and humans susceptible to contracting the disease are exposed thereto; or
- (k) Has for any reason been found and declared to be a nuisance animal or a menace to the public health, welfare or safety by any competent public authority.

(14) "Owner." Any person keeping or harboring one (1) or more animals within the municipal boundaries of the City of Jellico. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

(15) "Person." Any individual, partnership, association, corporation, company, firm, business or other legally recognized entity.

(16) "Quarantine." The humane confinement of an animal in a secure enclosure which prevents the animal from coming into unplanned contact with any other animal or with any human being.

(17) "Restraint." Any leash, lead, chain or other device or implement by which the movement of an animal is immediately secured to and controlled by a capable human being. Any fence, cage, enclosure, or other device which secures and confines the movement of an animal to a space within the property limits of its owner. Any voice command to which an animal is absolutely obedient and by which the animal's movement is immediately secured and controlled by a capable human being.

(18) "Vaccination." The injection of an animal with an approved rabies vaccine administered by a veterinarian or other qualified person in accordance with state board of health regulations.

(19) "Veterinarian." A duly licensed practitioner of veterinary medicine.

(20) "Veterinary hospital or clinic." Any facility maintained and operated by a licensed veterinarian or veterinarians, in present person, for the purpose of practicing veterinary medicine and surgery and/or the boarding and care of quarantine of animals.

(21) "Vicious animal." Any animal which, without adequate provocation, has attacked, bitten or injured a human being or another domestic animal, or which, because of its temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or other domestic animals. (Ord. #24-2005, Dec. 2005)

CHAPTER 2

ANIMAL SHELTER

SECTION

10-201. Intergovernmental cooperation.

10-202. Animal control advisory committee.

10-203. Impound facility and acceptance for impound.

10-204. Responsibility for impounded and quarantined animals.

10-201. Intergovernmental cooperation. Animal control and protection within the municipal boundaries of the City of Jellico is undertaken in conjunction and cooperation with the operations of the county-wide animal control and protection program and animal shelter as established by and pursuant to the Campbell County "Animal Control and Protection Resolution and Ordinance."¹ (Ord. #24-2005, Dec. 2005)

10-202. Animal control advisory committee. In accordance with section 1 of said "Animal Control and Protection Resolution and Ordinance" of Campbell County, Tennessee, the mayor shall appoint one (1) member to the Campbell County Animal Control Advisory committee who shall serve a term of four (4) years. The mayor in making such appointment may chose to appoint himself; any alderman, or any adult resident property owner of the city. (Ord. #24-2005, Dec. 2005)

10-203. Impound facility and acceptance for impound. In accordance with the Campbell County "Animal Control and Protection Resolution and Ordinance" and regulates promulgated thereunder, the Campbell County Animal Shelter shall serve as the animal impound and quarantine facility for the City of Jellico and the Campbell County Animal Shelter shall accept for impoundment or quarantine any animal delivered into its possession for impound or quarantine by a municipal animal control officer. (Ord. #24-2005, Dec. 2005)

10-204. Responsibility for impounded and quarantined animals. Once an animal has been delivered into the possession of the Campbell County Animal Shelter for impoundment or for quarantine by a municipal animal

¹A copy of the Campbell County, Tennessee "Animal Control and Protection Resolution and Ordinance," as adopted by the Campbell County Commission, together with any future amendments thereto, shall be kept on file in the office of the city recorder and shall be available for public inspection during normal business hours.

control officer, the municipality shall thereupon relinquish and be fully absolved from further responsibility for the animal and the shelter shall thereafter fully assume and be responsible for the impounded animal's continuing care, possession, control, confinement, and treatment and each such animal shall be dealt with and disposed of by the shelter in accordance with the procedures and policies set forth and contained in the Campbell County "Animal Control and Protection Resolution and Ordinance," which procedures and policies to be assumed and followed by the shelter shall, include, without limitation, owner notification of the impoundment or quarantine as and when such notification is therein required. Delivery of an animal into the possession of a county animal control officer for impound or quarantine shall constitute delivery into the possession of the Campbell County Animal Shelter. (Ord. #24-2005, Dec. 2005)

CHAPTER 3

ANIMALS IN GENERAL

SECTION

- 10-301. Restraint.
- 10-302. Animals at-large.
- 10-303. Restraint required for vicious animals.
- 10-304. Keeping of nuisance animals prohibited.
- 10-305. Keeping of livestock.
- 10-306. Operation of commercial animal establishment.
- 10-307. Issuance of and proceedings upon citations.
- 10-308. Authority of county animal control officers within city.

10-301. Restraint. All animals within the boundaries of the city must be under restraint at all times. (Ord. #24-2005, Dec. 2005)

10-302. Animals at-large. (1) It shall be the duty of the municipal animal control officer to apprehend, capture or seize and deliver to the animal shelter for impoundment, any animal at large within the municipal boundaries of the city; provided, however, that if, an emergency situation exists which requires the immediate euthanasia of an injured, vicious, dangerous or severely diseased non-livestock animal, and the apprehension or capture of the animal cannot be reasonably secured, the animal control officer or any police officer of the municipality may slay the animal by the most reasonable and humane means available.

(2) The owner of an animal who permits or allows the same to be at large within the boundaries of the municipality shall be guilty of a municipal offense punishable, upon conviction, by a civil penalty not less than ten dollars (\$10.00) nor more fifty dollars (\$50.00). A second or subsequent violation of this subsection shall be punishable by a civil penalty of not more nor less than fifty dollars (\$50.00).

(3) The owner of a vicious animal who permits or allows the same to be at large within the municipal boundaries shall be guilty of a municipal offense punishable, upon conviction, by a civil penalty of not more or less than fifty dollars (\$50.00).

(4) The owner of a nuisance animal who permits or allows the same to be at large within the municipal boundaries shall be guilty of a municipal offense punishable, upon conviction, by a penalty of not more nor less than fifty dollars (\$50.00). (Ord. #24-2005, Dec. 2005, modified)

10-303. Restraint required for vicious animals. (1) No vicious animal shall be kept or harbored within the municipal boundaries of the city except under such restraint, whether on- of off-premises of the owner, as will

continuously and effectively prevent such animal from biting, attacking, or coming into direct contact with any person, other than the owner thereof, or from biting, attacking or coming into contact with any other domestic animal.

(2) It shall be the duty of the municipal animal control officer to capture or seize and deliver to the animal shelter for impoundment any vicious animal kept or harbored in violation of this section; provided, however, that if, after reasonable effort is made, capture or seizure of the animal cannot be secured, the animal control officer or any police officer of the municipality may slay the animal by the most reasonable and humane means available.

(3) Any person who shall keep or harbor a vicious animal in violation of this section shall be guilty of a municipal offense punishable by a civil penalty of not more or less than fifty dollars (\$50.00). Each day that a violation of this section continues shall constitute a separate offense. (Ord. #24-2005, Dec. 2005)

10-304. Keeping of nuisance animals prohibited. (1) No nuisance animal or animals shall be kept or harbored within the municipal boundaries of the city.

(2) It shall be the duty of the municipal animal control officer to apprehend, capture or seize and deliver to the animal shelter for impoundment any nuisance animal or animals kept, harbored or found within the municipal boundaries of the city after reasonable notice and warning is made and given to the owner thereof, if known, requiring the owner to abate and effect a cessation of the nuisance; provided, however, that no prior notice or warning of seizure and impoundment shall be required if the animal is at large or has bitten or otherwise physically injured a human being or has bitten or physically injured another domestic animal; provided further, that if, an emergency situation exists which requires the immediate euthanasia of an injured, vicious, dangerous or severely diseased non-livestock nuisance animal, and the apprehension or capture of the animal cannot be reasonably secured, the animal control officer or any police officer of the municipality may slay the animal by the most reasonable and humane means available.

(3) Any person who shall keep or harbor nuisance animal or animals in violation of this section shall be guilty of a municipal offense punishable by civil penalty of not more or less than fifty dollars (\$50.00) for each such animal kept or harbored. Each day that a violation of this section continues unabated after notice and warning shall constitute a separate offense.

(4) For purposes of this section twenty-four (24) hours shall constitute reasonable prior warning and notice. (Ord. #24-2005, Dec. 2005)

10-305. Keeping of livestock. No livestock as defined by § 10-101(10) of this title shall be kept within one thousand feet (1,000') of any residence or place of business other than that of the owner of such livestock unless the issuance of a permit therefor is affirmatively authorized by the board of mayor and aldermen after public notice and hearing.

(2) Any person desiring to keep livestock within the municipal boundaries of the city at a place located within one thousand feet (1,000') of any residence or place of business other than that of the owner of such livestock, shall file a written application therefor with the city recorder and shall personally appear and present same to the board of mayor and aldermen for review and discussion at the next regular meeting of the board occurring more than one (1) week after the date of filing. The application as filed and presented to the board must be dated and signed by the applicant under oath; must identify the type, kind and number of each kind of livestock to be kept; and, must describe in detail the place, area, lot, yard, pen, housing, shelter, enclosure, facilities, supervision, control, restraint, manner, circumstances and purposes in, under, pursuant to, and for which the livestock is to be kept and maintained by the applicant at that location. If after this initial presentation of the application the board of mayor and aldermen is satisfied that the application fully meets the requirements of this subsection, the application shall be scheduled for public hearing and notice of such public hearing shall be published in a newspaper of general circulation within the municipality for not less than one (1) time in two (2) consecutive weeks the last of which shall appear not more than ten (10) days or less than three (3) days prior to the date and time scheduled for such hearing. The cost of publishing this notice shall be borne by the applicant.

(3) No permit to keep livestock will be authorized by the board of mayor and aldermen, if in the judgment of the board the keeping of such livestock, as requested in the application, would constitute a nuisance or would injuriously affect the public peace, health, welfare or safety.

(4) Any livestock kept within the municipal boundaries of the city in violation of this section is hereby declared to be a nuisance animal.

(5) This section shall not apply to any place, area, lot, yard, pen, housing, shelter, enclosure, or facility located outside the municipal boundaries of the city at which livestock is being kept at the time any such place, area, lot, pen, housing, shelter, enclosure or facility is annexed into the city and at which livestock is thereafter continuously kept and maintained; provided, that in the event any such place, area, lot, yard, pen, housing, shelter, enclosure, or facility, after its annexation into the city, should cease, for any period of time, to be utilized as a place for the keeping of livestock, no matter how short the period of such cessation, this section shall thereupon immediately be and become applicable thereto. (Ord. #24-2005, Dec. 2005)

10-306. Operation of commercial animal establishment. (1) No person shall operate a commercial animal establishment within the corporate boundaries of the municipality without a license therefor issued by the Campbell County Animal Shelter in accordance with section XX of the Campbell County "Animal Control and Protection Resolution and Ordinance" and a business license issued by the municipality. No municipal business license will be issued

for such purpose to any person who has not first obtained the issuance of a license from the Campbell County Animal Shelter.

(2) Any person who operates a commercial animal establishment within the corporate boundaries of the city without a validly issued and currently effective municipal business license as required by this section shall be guilty of a municipal offense punishable by a civil penalty of not less nor more than fifty dollars (\$50.00). Each day of any such operation in violation of this section shall constitute a separate offense. (Ord. #24-2005, Dec. 2005)

10-307. Issuance of and proceedings upon citations. (1) A municipal animal control officer, as such, shall have no powers of arrest but is authorized to issue a citation to any person who, in the officer's judgment, based upon reasonable and probable grounds, is violating or has violated any provision of this title for which a civil penalty is prescribed.

(2) The citation shall demand the person cited to appear in the city court on a stated date and at a stated time, it shall state the name and address of the person cited, the name of the issuing officer, and the particular violation or violations charged. The date and time specified on the citation to appear shall be as fixed by the officer.

(3) The citation shall give notice to the person cited that failure to appear as therein directed is punishable as contempt of court.

(4) The citation shall be executed in triplicate, the original to be delivered to the city court, one (1) copy to be given to the person cited, and one (1) copy to be retained by the officer issuing the citation.

(5) The person cited shall signify acceptance of the citation and his or her agreement to appear in court as directed by signing the citation. If the person cited refuses to accept and sign the citation, it shall thereupon become the duty of the animal control officer to present an affidavit of complaint to the city court and request the court to issue, for service or execution by a municipal police officer, a summons or a warrant for the arrest of such person.

(6) The original citation delivered to the court shall be sworn to by the issuing officer before the city judge or other official lawfully assigned such duty.

(7) Whenever a citation has been prepared and accepted, and the original thereof delivered to the court as provided herein, the original citation delivered to the court shall constitute a complaint to which the person cited must answer and the officer issuing the citation shall not be required to file any other affidavit of complaint with the court.

(8) Prior to the time set for the person to appear in court to answer the violation or violations charged in the citation, the person cited may elect not to contest the charge or charges and may, in lieu of appearance in court, submit the minimum fine prescribed for each such violation not contested together with

required state and municipal litigation taxes,¹ the clerk's fee² and the data entry fee to the city court clerk. In such case, the municipal court costs³ which would otherwise be required, will not be taxed or charged to the person cited. The submission to fine must be with the approval of the city court.

(9) If the person cited has not paid the citation upon submission to fine as provided in this section and shall fail to appear in court at the time specified in the citation, or such later date as may be fixed by the court, such person shall be guilty of a separate offense for such failure to appear which shall be punishable as a contempt of court, and the court may issue a warrant for such person's arrest.

(10) The citation form, if so marked, may be used by the animal control officer as documentation and evidence of any notice and warning given to the owner of a nuisance animal required by § 10-304 of this chapter; provided, that the original thereof, signed and sworn to by the officer, shall be promptly delivered to and filed with the city court. In such case, one (1) copy of the warning citation shall be retained by the officer and one (1) copy shall be given to the person so warned. It shall not be required that the warning citation be signed by the person to whom the notice and warning is given. (Ord. #24-2005, Dec. 2005)

10-308. Authority of county animal control officers within city.

No provision of this title shall be interpreted or construed so as to prevent, preclude, limit or restrict a county animal control officer from the performance of any duty, investigation, inspection, impoundment or enforcement action provided for or required of county animal control officers by, under or pursuant to the Campbell County "Animal Control and Protection Resolution and Ordinance," in relation to any animal, premises, business or person which may be found or located within the municipal boundaries of the city; provided that there shall be no separate prosecutions by county and municipal officers against the same person for the same violation or offense under or pursuant to said county ordinance and under or pursuant to this title. (Ord. #24-2005, Dec. 2005)

¹Municipal code reference
Litigation tax: §3-208(1)

²Municipal code reference
Clerk's fee: § 3-306(2)

³Municipal code reference
Collection of court costs: §3-306(2)