

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

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CHAPTER 1**ANIMAL CONTROL ORDINANCE****SECTION**

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10-101. Definitions. As used in this ordinance the following terms mean:

- (1) "Animal." Any live, vertebrate or invertebrate creature, domestic or wild, warm or cold blooded, other than a human being.
- (2) "Animal control officer." Any person designated by the city manager with primary responsibility in the area of animal control.
- (3) "Animal shelter." Any facility operated by the city for the purpose of impounding animals held under the authority of the city or state.
- (4) "Nuisance animal." Any animal or animals which:
 - (a) Molests passersby or passing vehicles;
 - (b) Attacks other animals;
 - (c) Trespasses on school grounds;

- (d) Is repeatedly at large;
 - (e) Damages private or public property; or
 - (f) Barks, whines or howls in an excessive, continuous or untimely fashion, or adversely affects the health or disturbs the repose of any neighbor or disturbs the peace and quiet a of neighborhood.
- (5) “Owner.” Any person, association, partnership, corporation or other entity owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.
- (6) “Pet.” Any animal kept for pleasure rather than commercial use.
- (7) “Restraint.” Any animal secured by a leash or lead, or under the control of a responsible person, or within the real property limits of its owner, or confined within a vehicle.
- (8) “Vicious animal.” Any animal or animals that attacks, bites, or injures or poses a threat to human beings or other animals without adequate provocations; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or other animals.
- (9) “Wild animal.” Any live monkey (nonhuman primate), racoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state. (Ord. #3425, March 1998, as amended by Ord. #4155-06, March 2006)

10-102. Registration of animals. (1) All residents owning, keeping, harboring, or having custody of animals over three months of age within the city limits shall register that animal with the City of Johnson City by making application in written form to the Animal Control Center. This provision shall not apply to the keeping of small, caged birds; rodents; reptiles; or aquatic and amphibian animals as pets.

(2) Written applications for registration shall be made to the Washington County/Johnson City Animal Control Center. There shall be no fee for registration. Upon filing of the application and proof of current rabies vaccination, a license from the City of Johnson City shall issue evidencing such registration. The Animal Control Center shall handle the issuance of such license. Included on the application shall be the name, address, and telephone number of the applicant, a description of the animal, rabies certificate number issued by a licensed veterinarian as required by state law.

(3) The registration shall be good for three years for all animals.

(4) At the time of registration, an appropriate certificate (See Appendix 1 herein)¹ shall be issued under subsection (2) and the Animal Control Center shall also deliver a registration tag bearing the serial number of the registration certificate and the year in which it was issued. The owner shall affix the

¹Appendix 1 is available in the office of the recorder.

registration tag to a collar or harness to be worn at all times when the animal is off the premises of the owner.

(5) If registration of seeing eye dogs or governmental police dogs can be demonstrated with national organizations in such manner so as to provide for accurate identification of individual animals so registered, then and in such event registration shall not be required hereunder for those animals so registered.

(6) The Animal Control Center shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public as a public record.

(7) A duplicate tag can be obtained for two dollars (\$2.00). Licenses are non-transferable, are to be paid in advance and are non-refundable.

(8) It shall be unlawful for any person owning, keeping or harboring an animal within the city limits to fail to register such animal as required by this section.

(9) A kennel license will be required for any facility and/or person who keeps more than two dogs or cats for breeding purposes and sells or otherwise disposes of the offspring of their animals for a consideration.¹

(10) It shall be unlawful for any person to own, possess, or harbor any dog or cat within the city limits unless such dog or cat is inoculated against rabies.²

(11) The city, acting by and through the Animal Control Center, may revoke any license if the person holding the license refuses or fails to comply with this ordinance, the regulations promulgated by the city manager, or any law governing the protection of animals as contained in the state rabies laws, Tennessee Code Annotated § 68-8-101 et seq., at the time of the passage of this ordinance on third and final reading.

(12) Any person whose license is revoked shall, within ten (10) days thereafter:

- (a) Remove; or
- (b) Humanely dispose of all animals owned, kept, or harbored by such person; or
- (c) Fully comply with the provisions of this ordinance and file proof of such compliance with the Animal Control Center. No part of the license fee, however, shall be refunded.

(13) If the applicant has withheld, has falsified any information, or if the information is incomplete or incorrect, the city acting by and through the Animal Control Center shall refuse to issue a license or, if issued, shall

¹State law references

Registration fee for kennels: Tennessee Code Annotated, § 68-8-104.

²State law reference

Rabies control: Tennessee Code Annotated, § 68-8-104.

immediately and forthwith revoke at the same. Appeals from such refusal to issue or from revocation shall be to the city manager or his designee. (Ord. #3425, March 1998, as amended by Ord. #3686, June 1999, and Ord. #4155-06, March 2006)

10-103. Restraint. (1) Running at large prohibited.¹ It shall be unlawful for the owner of any animal, or any person having an animal in his care, custody or possession to suffer or allow it to run at large unattended on or about the streets and highways of Johnson City, or on the property of another person without permission of the owner or occupant of that property, or of the person in possession of that property.

(2) Duty to keep animal under restraint while off of property. It shall be the duty of the of the owner of any animal or anyone having an animal in his care, custody or possession to keep said animal under control at all times while the animal is off of the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed "under control" when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located.

(3) Vicious animals. As determined by the animal control officer, each vicious animal will be confined by the owner or custodian of the animal within a building or secure enclosure and shall be securely muzzled and restrained or caged whenever off the premises of its owner. (Ord. #3425, March 1998, as amended by Ord. #4155-06, March 2006)

10-104. Impoundment and violation notice. (1) Unrestrained dogs and nuisance animals shall be taken by the animal control officers and impounded in an animal shelter and there confined in a humane manner.

(2) If by a license, 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 mail or other appropriate, reasonable means.

(3) An owner reclaiming an impounded animal will pay a fee of thirty dollars (\$30) plus two dollars (\$2.00) per day the animal has been impounded and the cost of all medical treatment or other cost or expense incurred as deemed necessary by the animal control officer.

(4) The adoption fee for impounded cats will be twenty dollars (\$20.00) plus cost of sterilization.

(5) The adoption fee for impounded dogs will be twenty dollars (\$20.00) plus cost of sterilization.

¹State law reference

Running at large: Tennessee Code Annotated, § 44-8-401, et seq.

(6) All dogs or cats re-claimed will be inoculated against rabies, the cost of which will be in addition to the re-claiming or the adoption fee.

(7) Any animal not reclaimed by its owner within three days will become the property of the city and will be placed for adoption in a suitable home or humanely euthanized. An owner of an unclaimed animal, whether licensed or not, will be charged with having an unrestrained animal.

(8) In addition to, or in lieu of, impounding an animal found at large, the animal control officer or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice, if uncontested, shall impose upon the owner a penalty of not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150) which may, at the discretion of the animal owner, be paid to the animal control center within seventy-two hours (excluding Saturday and Sunday) in full satisfaction of the assessed penalty. In the event such penalty is not paid within the seventy-two (72) hour time period prescribed, a citation or warrant will be issued and additional costs assessed for the same. (Ord. #3425, March 1998, as amended by Ord. #3686, June 1999)

10-105. Animal care. (1) No owner or custodian shall fail to provide his/her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering, and shall provide such animals with humane care and treatment. No owner or custodian shall fail to seek medical treatment for an injured or sick animal. If an owner refuses or fails to respond to repeated warnings, an animal control officer can and shall remove such animal to provide medical treatment or transport to the center to be humanely euthanized.

(2) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, suffer 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) No person except a licensed veterinarian shall crop a dog's ears nor dock a dog's tail.

(5) Chickens, ducklings or rabbits under two (2) pounds will not be sold or offered for sale as pets, toys, premiums or novelties.

(6) 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 reasonable 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.

(7) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be ingested by an animal, provided that it shall not be unlawful for a person to expose on his/her

own property common rat poison.¹ (Ord. #3425, March 1998, as amended by Ord. #4155-06, March 2006)

10-106. Keeping of wild animals. (1) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

(2) No person shall keep or permit to be kept any wild animal as a pet. This does not affect keeping wild animals for rehab or other purposes allowed by state permit. (Ord. #3425, March 1998)

10-107. Nuisance animal. It shall be unlawful to keep or harbor any animal which barks, howls, or whines in an excessive, continuous or untimely fashion; creates a nuisance; or adversely affects the health or disturbs the repose of any neighbor, or disturbs the peace and quiet of a neighborhood. Owners of such animals will receive one (1) warning from the police or animal control to correct the situation, a citation will be issued if the police or animal control have to respond to repeated complaints. (Ord. #3425, March 1998)

10-108. Performing animal exhibitions. (1) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(2) All equipment used on a performing animal shall fit properly and be in good working condition. (Ord. #3425, March 1998)

10-109. Animal waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his/her animal(s), or animals in his/her custody, on public walks, recreation areas, private property and public parks. (Ord. #3425, March 1998)

10-110. Dead animals. It shall be unlawful for any person to place or throw any dead animal onto the streets, or other public places within the city limits of Johnson City. The bodies of all animals dying of any causes, shall be the responsibility of the owner of said animal, to be disposed of, or buried in an appropriate, licensed disposal facility or outside the city limits as soon as possible. In the alternative, the owner shall contact the appropriate agency to

¹State law reference

Cruelty to animals: Tennessee Code Annotated, § 39-14-202.

Dyed baby fowl and rabbits: Tennessee Code Annotated, § 39-14-204.

remove the body of said animal which shall be bagged or otherwise appropriately contained. (Ord. #3425, March 1998)

10-111. Compliance. No owner, lessee, tenant or subtenant of any property, public or private, located within the city shall keep, maintain or cause to be kept any horses, mules, donkeys, cattle, swine, chickens, turkeys, ducks, geese, goats, sheep, hares or similar animals or fowl either domesticated or nondomesticated except under conditions set forth in the provisions of this chapter. (Ord. #3425, March 1998)

10-112. Near residence or business. No animals, fowl, swine or poultry described in § 10-111 shall be kept within a distance of one thousand (1,000) linear feet of any residence or place of business or industry within the city, without the approval of the health officer. The health officer shall approve the keeping of the animals and fowl on public and private premises only when in his opinion the keeping of such animals and fowl will not injuriously affect the public health and welfare. (Ord. #3425, March 1998)

10-113. Approval of health officer; factors considered. The health officer is authorized to prohibit the keeping of animals and fowl described in § 10-111 within the city when it has been determined that the keeping of such animals and fowl is not in compliance with the provisions included in § 10-112, or when in his opinion the keeping of such animals and fowl may prove detrimental to the public health by creating or causing situations conducive to the breeding and attracting of flies and other injurious and obnoxious insects, the breeding, feeding and harboring of rats, and which may give rise to offensive smells and odors. Approval for the maintenance of such animals or fowl may be at the discretion of the health officer. Owners and keepers of such animals and fowl, when not specifically notified to dispose of them within a reasonable specified time, may construe their failure to receive such notice as evidence of approval and that they may maintain such animals or fowl for as long as their maintenance does not constitute a hazard to the public health and welfare. (Ord. #3425, March 1998)

10-114. Maintenance of stalls, stables, pens, etc. (1) No animals or fowl described in § 10-111 shall be kept in any place in which manure or liquid discharges from such animals or fowl shall collect or accumulate to any degree of offensiveness. Such manure and liquids shall be at once removed to some proper place of disposal or effectively stored between periods of removal in closed containers, which shall provide for the maximum practical fly, rodent and odor control.

(2) Stalls, stables, pens, yards and appurtenances in which such animals and fowl are kept shall at all times be maintained in a clean and wholesome condition, so that no offensive odor shall be allowed to escape

therefrom, and no rodents, flies or other insects will be able to breed therein or become attracted thereto.

(3) Buildings, pens, yards and appurtenances constructed for the purpose of housing and impounding animals and fowl shall be located with the view of adequate drainage and constructed so as to facilitate routine cleaning. (Ord. #3425, March 1998)

10-115. Removal upon failure to maintain premises. It shall be the duty of the health officer to issue orders requiring the removal of animals and fowl from the city when the keeping of such animals and fowl is in violation of this chapter and at all times when the keeping of such animals or fowl may constitute a hazard to the public health. The health officer may issue orders requiring the owners of animals and fowl, or owners, tenants and lessees of properties where such animals and fowl are quartered, to clean routinely stalls, stables, pens and yards and to maintain such appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at any and all times following the receipt of such orders from the health officer will be considered as justification to cause the removal of such animals or fowl from the city. Every keeper of such animals and fowl shall cause feed provided therefor to be stored and kept in a ratproof, flytight building, box or receptacle. (Ord. #3425, March 1998)

10-116. Pounds, kennels, etc., dangerous or detrimental to human life, etc. No keeper of any pound, kennel, coop, pen, veterinary hospital or other such place where animals or fowl may be kept or impounded shall allow the same or any animal therein, by reason of want of care, food, ventilation or cleanliness or otherwise, to be or to become dangerous or detrimental to human life, health or welfare. (Ord. #3425, March 1998)

10-117. Right of entry. It shall be the duty of the health officer to enter onto any premises, public or private, at any reasonable hour of the day to make inspections for the purpose of carrying out the provisions of this chapter. (Ord. #3425, March 1998)

10-118. Enforcement. The civil provisions of this chapter shall be enforced by those persons or agencies designated by city manager. It shall be a violation of this chapter to interfere with an animal control officer in the performance of his/her duties. (Ord. #3425, March 1998)

10-119. Penalties. Any person violating any provision of this chapter will be punished in accordance with the appropriate provisions of the charter and ordinances of the city and the statutes of Tennessee. Each separate day during which an offense occurs under this chapter shall constitute a separate chargeable offense. (Ord. #3425, March 1998)

CHAPTER 2

SPAY/NEUTER REGULATIONS FOR DOGS AND CATS

SECTION

10-201. Spaying and neutering requirements.

10-202. Obtaining an unaltered permit.

10-203. Enforcement.

10-201. Spaying and neutering requirements. Any person owning, keeping, harboring, or having custody of any dog or cat six (6) months of age or older is required to spay or neuter said animal, except:

(1) Persons who own, keep, harbor, or have custody of registered service dogs or working police dogs;

(2) Persons who are nonresidents of the city and reside temporarily herein for a period not to exceed a total of thirty (30) days within a twelve (12) month period;

(3) Animal shelters and veterinary hospitals;

(4) Persons who own, keep, harbor, or have custody of a dog or cat and who are in possession of a certification signed by a licensed veterinarian stating that the animal is unfit to be spayed or neutered because the procedure would endanger the life of or be detrimental to the health or well-being of the animal;

(5) A "commercial breeder" which is defined as any person licensed as such by the State of Tennessee, who possesses or maintains, under his or her immediate control, twenty (20) or more unsterilized adult female dogs or cats in this city for the purpose of selling the offspring as companion animals. "Commercial breeder" does not include any person who possesses or maintains, under his or her immediate control, dogs or cats in this city:

(a) For the primary purpose of:

(i) The practice of veterinary medicine;

(ii) Hunting as defined in Tennessee Code Annotated, § 70-1-101(a)(19); or

(iii) Training and/or handling; or

(b) For the exclusive purpose of engaging in the business of boarding and/or grooming; and

(6) Persons who hold an unaltered animal permit for a particular dog or cat issued prior to any enforcement under § 10-203 below by the Washington County/Johnson City Animal Control Center or any successor agency authorized by law to issue said permit shall have a valid permit for the life of the animal. Persons who obtain an unaltered permit in conjunction with the first enforcement under § 10-203 below shall have a valid unaltered permit, unless a subsequent enforcement action occurs involving the same animal, in which case the unaltered permit shall become void automatically. (as added by Ord. #4513-13, Dec. 2013)

10-202. Obtaining an unaltered permit. Applicants for unaltered permits must apply to the Washington County/Johnson City Animal Control Center. The fee for the unaltered animal permit shall be twenty-five dollars (\$25.00) per animal. A certificate will be issued identifying each animal as an unaltered animal and must be available for inspection at all times. (as added by Ord. #4513-13, Dec. 2013)

10-203. Enforcement. The provisions of this chapter shall be enforced as follows:

(1) Enforcement of this chapter on spaying and neutering shall only occur if a person is alleged to have violated § 10-103 (Restraint) of the Code of the City of Johnson City, Tennessee.

(2) For the first violation of a provision of § 10-103 (Restraint) of the Code of the City of Johnson City, the enforcing officer shall issue to the alleged violator citations for the violation of § 10-103 (Restraint) of the Code of the City of Johnson City and for a violation of the spay/neuter requirements of this chapter.

(a) If the alleged violator has already obtained an unaltered permit prior to this first enforcement, then he/she shall present it to the municipal court at the hearing on the citations, and the citation regarding the spay/neuter violation shall be dismissed. All unaltered permits obtained prior to this first enforcement are valid for the life of the animal.

(b) If the alleged violator has not already obtained an unaltered permit prior to this first enforcement, then he/she will be given the option to obtain an unaltered permit prior to the hearing in municipal court. If the alleged violator presents the unaltered permit to the municipal court at the hearing regarding the first enforcement, then the citation regarding the spay/neuter violation shall be dismissed. This unaltered permit, obtained in conjunction with the first enforcement action, shall become void automatically with regard to any subsequent enforcement action regarding § 10-103 (Restraint) of the Code of the City of Johnson City involving the same animal.

(3) Subject to the exceptions in § 10-201(1) through (6) above, for any subsequent violations of a provision of § 10-103 (Restraint) of the Code of the City of Johnson City concerning the same animal involved in the first enforcement action, the violator shall be punished in accordance with § 1-104 of the Code of the City of Johnson City, each separate day during which an offense occurs being a separate offense.

(4) The officer charged with enforcement shall schedule all hearings pertaining to alleged violations of the spay/neuter provisions of this chapter at least thirty (30) days from the date of the citation's issuance to give the alleged violator time to comply with this chapter's requirements.

(5) Presentation to the municipal court of a proper unaltered permit shall constitute a defense solely with respect to the citation alleging a violation

of the spay/neuter requirements of this chapter. (as added by Ord. #4513-13, Dec. 2013)