

TITLE 3

ANIMALS AND FOWLS

CHAPTER

1. IN GENERAL.
2. [DELETED.]
3. ANIMAL CONTROL.

CHAPTER 1

IN GENERAL

SECTION

- 3-101. Running at large prohibited.
- 3-102. Hog pens.
- 3-103. Pen or enclosure to be kept clean.
- 3-103A. Pens, coops, stalls, stables, barns, etc. must be permitted.
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- 3-106. Cruel treatment prohibited.
- 3-107. Inspections of premises.
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- 3-109. Leaving teams on streets, etc.
- 3-110. Animals on sidewalks.
- 3-111. Exhibiting animals on streets, etc.
- 3-112. Keeping noisy calves overnight for sale, etc.
- 3-113. Chickens, roosters restricted.

3-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. [Ords. 25, § 1; 28, § 1; and 32, § 1; all dated April, 16, 1906, modified]

3-102. Hog pens. It shall be unlawful within the city limits to erect, keep or maintain any hog pen or place wherein hogs are kept, penned, or confined except under the following conditions:

- (1) The hog pen or enclosure must be within an R-1 zone.
- (2) No part of the hog enclosure, including fencing, may be within two hundred feet (200') of the property line, and must be located behind the primary structure on the property and away from the street.

(3) There must be a minimum of five (5) acres of property on which the hog pen is located.

(4) The housing and feeding area must have a concrete base.

(5) The hog pen and enclosure must be permitted by the Jonesborough Building Inspector, and must meet the criteria established in § 3-103A of this chapter. (Ord. of Jan. 2, 1911, as replaced by Ord. #2014-01, Feb. 2014)

3-103. 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 so that it will create no stench or cause annoyance or discomfort to the people of the town. [Ord. of Jan. 2, 1911, § 2, modified]

3-103A. Pens, coops, stalls, stables, barns, etc. must be permitted. The location and construction of pens, coops, stalls, stables, barns, corrals, etc. must be permitted by the Jonesborough Building Inspector. The building inspector shall consider proper drainage; the adequate construction and safety of any enclosure; the proper protection of animals housed; the accessibility and water source to provide proper maintenance, care and cleanliness; manure storage and disposal; as well as provisions for fly, rodent and odor control when making the determination to issue a permit. The building inspector has the authority to deny a permit if it is determined to be necessary to protect the health and safety of the general public. (as added by Ord. #2014-01, Feb. 2014)

3-104. 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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. [Code of 1982]

3-105. 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 either because of noise, odor, contagious disease, or other reason. [Code of 1982]

3-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. [Ord. 11 of April 16, 1906, § 1, modified]

3-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, 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. [Code of 1982]

3-108. Running animals on streets. It shall be unlawful for any person to ride or drive any beast of burden in any highway, thoroughfare, or other public place beyond a moderate gate unless in case of urgent necessity, or to ride or drive any such animal so as to cause such animal or any vehicle thereto attached to come in contact or collision with or strike any other animal standing in any public place. [Ord. 11 of April 16, 1906, § 1]

3-109. Leaving teams on streets, etc. It shall be unlawful for any person to leave standing, without some competent person in charge, his team of horses or vehicle with a horse or horses attached thereto upon any of the streets or alleys of the town or at any time to leave same upon any of the foot crossings on said streets made for the benefit of foot passengers. [Ord. 12 of April 16, 1906, § 1]

3-110. Animals on sidewalks. It shall be unlawful for any person to ride, lead, or drive any horse, mule, or ox on any of the sidewalks of the town, except such places as are used for public crossings, or to get to private property. [Ord. 13 of April 16, 1906, § 1, modified]

3-111. Exhibiting animals on streets, etc. It shall be unlawful for any person to exhibit upon any of the public streets or alleys of the town any stallion, jackass, bull, or boar for the purpose of showing off such animal. [Ord. 10 of April 16, 1906, § 1]

3-112. Keeping noisy calves overnight for sale, etc. It shall be unlawful for any person, firm, or corporation to keep calves or allow them to be kept on his, their, or its premises within the corporate limits overnight for the purpose of sale or shipment in such a way that they will disturb the residents of the town by their noises. This section shall be liberally construed in favor of the right of the town to prohibit the keeping of such calves overnight within the town.

This section shall not apply to persons living within the town who raise or keep their own calves on their own premises during the ordinary course of their residence therein, it being the intention to prohibit calf shippers from bringing calves within the town and keeping them overnight prior to their sale or shipment so that such calves disturb the residents of the town by their noises. The fact that calves are shipped within a reasonable time after being brought within the town shall stand as a presumption that they were brought into the town for the purpose of sale or shipment. [Ord. of July 13, 1921]

3-113. Chickens, roosters restricted. Chickens may not run at-large within the Jonesborough city limits. Chickens housed on property less than two

(2) acres are limited to twelve (12) hens and no roosters. Coops must be permitted as an outbuilding per § 3-103A, and must meet setback requirements. With proper justification showing that adjoining properties would not be adversely impacted, the board of zoning appeals can approve a variance after adequate notification of the meeting date to any adjoining property owner potentially affected. Coops with more than twelve (12) hens on properties larger than two (2) acres must be two hundred feet (200') from the property line. Roosters are allowed on properties two (2) acres or more, in an R-1 Zone, however, no portion of the enclosed area housing the rooster(s) can be closer than two hundred feet (200') from any property line. (as added by Ord. #2014-01, Feb. 2014)

CHAPTER 2

[DELETED]

This chapter was deleted by Ord. #95-08, Sept. 1995.

CHAPTER 3

ANIMAL CONTROL

SECTION

- 3-301. Definitions.
- 3-302. Vaccination and registration.
- 3-303. Dog restraint.
- 3-304. Nuisance animals.
- 3-305. Seizure and impoundment.
- 3-306. In addition to, or in lieu of impoundment.
- 3-307. Animal care.
- 3-308. Animals prohibited from soiling public or private property.
- 3-309. Fines.
- 3-310. Enforcement.
- 3-311. Tennessee state code.

3-301. Definitions. As used in the chapter, the following terms mean;

(1) Animal: Any live, vertebrate creature, domestic or wild, other than human.

(2) Animal control officer: Any health officer, police officer, or any other person designated by the mayor and board of aldermen with the responsibility for enforcing the animal control ordinance.

(3) Holding pen: An area designated to house and secure animals that have been picked up in Jonesborough due to violations of the animal control ordinance.

(4) Nuisance animal: Any animal which molests a passersby or passing vehicles; attacks other animals; repeatedly runs at large; damages private or public property; continuously excretes on property not in possession of the animal owner; barks, whines, or howls in an excessive, continuous, or untimely fashion.

(5) Owner: Any person, partner, 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 more than five (5) consecutive days.

(6) Registration: Obtaining a numbered identification tag which is indexed with the owner's name, address, telephone and description of animal.

(7) Restraint: An animal that is secured by a leash or lead; under the command control of a responsible person, within the real property limits of its owner, or confined to a vehicle.

(8) Vicious animal: Any animal that constitutes a physical threat to human beings or other animals. [Ord. #91-05, § 1, Oct. 1991]

3-302. Vaccination and registration. (1) Rabies vaccination and registration: It shall be unlawful for any person to own, keep or harbor within

the corporate limits any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provision of the "Tennessee Anti-Rabies Law", section 68-8-101 to 6-8-114, Tennessee Code Annotated.

(2) Apprehension and disposition of rabid animals: All animals which are rabid or suspected of being rabid shall be immediately reported to the police department. Such animals shall be impounded if this can be accomplished safely. Unrestrained, vicious, or rabid animals must be destroyed for the safety of the community. If they cannot be safely impounded, however, every effort should be made not to damage the brain.

(3) Quarantine: Any animal capable of being infected by rabies that bites a person, is suspected of biting a person or is suspected of being infected by rabies shall be quarantined by order of the designated animal control officer or representative for such time as may be deemed necessary, but not less than ten (10) days, to determine if the animal is rabid. Quarantine shall be handled by the owner but under the supervision of a designated animal control officer. If any animal dies while in quarantine, the head of said animal shall be transported to the local health office for pathological examination.

(4) Vaccination clinic: With cooperation of the public health department, the Town of Jonesborough will hold at least one vaccination clinic each year.

(5) Dog and cat registration: The Town of Jonesborough will provide a voluntary dog and cat registration program.

(6) Vaccination required for town registration: No dog or cat shall be registered without the owner producing proof of vaccination for such dog or cat.

(7) Registration period and fee: Registration will be undertaken only once as long as the dog or cat remains with the same owner in Jonesborough. The registration fee will be one dollar (\$1.00).

(8) Registration certificate: Upon receipt of the proper registration fee, the animal control officer or representative shall issue a registration certificate to the owner of the animal giving the owners name, date issued, amount paid, the registration tag number issued, the date the animal was vaccinated and the type vaccine used.

(9) Non-transfer of registration tags: No person owning, keeping, or harboring a dog or cat in Jonesborough shall transfer registration tags from one animal to another without re-registering said animals. [Ord. #91-05, § 2, modified, Oct. 1991, as amended by Ord. #95-08, Sept. 1995]

3-303. Dog restraint. (1) Running at large prohibited: It shall be unlawful for the owner of any dog knowingly to allow it to run at large unattended on or about the streets of Jonesborough or on the property of another person without permission of that property owner.

(2) Restraint while off of property: It shall be the duty of the owner or custodian of any dog to keep said animal under control at all times while the

animal is off of the real property limits of the owner or custodian, either by leash or vehicle.

Jonesborough Police K-9 dogs or other such police K-9 dog(s) from some other jurisdiction that is authorized by the Jonesborough Police Department to train on town property may train in town parks and open spaces without leash or vehicle containment provided such K-9 police dogs are with their designated "handlers," and all reasonable measures have been taken to ensure that the general public and other animals properly contained in the area are not endangered from such training activity.

(3) Vicious dogs to be securely restrained: It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined within a building or secure enclosure, or otherwise securely restrained through muzzle or cage as to reasonably provide for the protection of other animals or persons. [Ord. #91-05, § 3, Oct. 1991, as amended by Ord. #2016-05, April 2016 *Ch12_04-09-18*]

3-304. Nuisance animals. (1) Noisy animals: No person shall own, keep, or harbor any dog, cat, or any other animal which by loud frequent barking, whining, screaming, or howling, annoys or disturbs the peace and quiet of any neighborhood.

(2) Nuisance animals: Owners of nuisance animals, as defined, may be cited for violation of this chapter.

(3) Owners of animals defined as nuisance because they attack other animals, damage private or public property, continuously excrete on property not in possession of the animal owner, or repeatedly run at large shall confine said animal within a building or secure enclosure, or otherwise securely restrain the animal through use of a muzzle or cage as to reasonably provide for the protection of other animals or persons or property. [Ord. #91-05, § 4, Oct. 1991, as amended by Ord. #95-08, Sept. 1995]

3-305. Seizure and impoundment. (1) Seizure: Any animal found or kept in violation of this chapter may be seized by anyone designated by the board of mayor and aldermen to enforce the animal control ordinance.

(2) Impoundment. Seized animals that have Jonesborough Registration tag will be impounded in the town's holding pen for the current impoundment period. Untagged animals may be held at the Jonesborough Holding Pen but at the earliest convenience will be taken to the Washington County Animal Shelter.

(3) Notification. If by a Jonesborough registration tag the owner of a seized animal can be identified, personnel responsible for animal control shall notify by telephone or mail the owner that the animal registered in their name has been impounded.

(4) Impoundment period. Seized animals will be held for at least three (3) full days unless picked up by the owner or their representative.

(5) Reclaiming animals. Owners or their representatives reclaiming their animals will pay a fee of twenty dollars (\$20.00) for an untagged dog or cat and ten dollars (\$10.00) for city tagged dog or cat which goes for registration and tagging of their dog or cat. The owner is also responsible for any medical costs deemed necessary by the animal control officer.

(6) Owners of unclaimed animals fined. Owners of animals that are left unclaimed will be charged with having an unrestrained animal.

(7) Adoption: Any animal impounded may be adopted after notification if possible has taken place and the three day holding period has elapsed. All adopted animals must be vaccinated. The adoption fee is fifteen dollars (\$15.00).

(8) Disposition of unclaimed or non-adopted animals. After the holding period, any animal not adopted or left unclaimed will be sent to the Johnson City/Washington County Animal Shelter. [Ord. #91-05, § 5, Oct. 1991]

3-306. In addition to, or in lieu of impoundment. A citizen or designated representative of the town may cause to be issued to the known owner of an animal found in violation of the animal control ordinance, a citation notifying of ordinance violation and setting a hearing before city court. At the discretion of the animal owner, he may pay before said court date the sum of twenty-five dollars (\$25.00) cash bond. In the event such penalty is not paid before the day of the court hearing, trial will be had on a warrant issued on the violation. [Ord. #91-05, § 6, Oct. 1991]

3-307. Animal care. (1) Proper care: No owner shall fail to provide his animals with proper nutritious food, water, proper shelter and protection from the weather, veterinarian care when needed to prevent suffering, and with humane care and treatment.

(2) Poisoning animals: No owner shall expose any known poisonous substance whether mixed with food or not, so that the same shall be liable to be eaten by any animal except when done for rodent control and in a manner preventing consumption by other animals.

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

(4) Animals hit by motor vehicle: Any person who as an operator of a motor vehicle, strikes a domestic animal shall stop at once and render any reasonable assistance, and shall make a reasonable attempt to notify the animal owner. In the event the owner cannot be ascertained and located, the accident shall immediately be reported to the Jonesborough Police Department. [Ord. #91-05, § 7, Oct. 1991]

3-308. Animals prohibited from soiling public or private property.

(1) No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the

members of a homeowners or condominium association or upon private property other than the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

(a) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and

(b) Removal of such bag or container to the property of the animal owner or custodian and deposited thereafter in a manner as otherwise may be permitted by law.

(2) No person owning, harboring or keeping any animal within the town shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian or on the property of others as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner or custodian's property, or to abutting property of owners.

(3) No person owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facility. [as added by Ord. #98-06, § 1, May 1998]

3-309. Fines. Any person found to be in violation of this chapter may be fined a minimum of \$25.00 and a maximum of \$500.00 with each day of violation constituting a separate offense. [Ord. #91-05, § 8, Oct. 1991, as amended by Ord. #95-08, Sept. 1995, and renumbered by Ord. #98-06, § 1, May 1998]

3-310. Enforcement. The provisions of this chapter shall be enforced by those persons designated by the board of mayor and aldermen. It shall be violation of this chapter to interfere with any properly authorized animal control officer in the performance of his or her duties. [Ord. #91-05, § 9, Oct. 1991, as renumbered by Ord. #98-06, § 1, May 1998]

3-311. Tennessee state code. This chapter formally adopts and authorizes enforcement of the Tennessee State Code Animals, sections 39-14-201 through 39-14-210 enacted in 1989. [Ord. #91-05, § 10, Oct. 1991, as renumbered by Ord. #98-06, § 1, May 1998]