

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS.
4. FOWLS INSIDE CORPORATE LIMITS.

**CHAPTER 1**

**IN GENERAL**

**SECTION**

- 10-101. Running at large prohibited.
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- 10-103. Pen or enclosure to be kept clean.
- 10-104. Storage of food.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Violation and penalty.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, 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. Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of the chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #\_\_, May 1962, as replaced by Ord. #13-11, Nov. 2013)

**10-102. Keeping near a residence or business restricted.** Swine are prohibited within the corporate limits. No person shall keep or allow any other animal enumerated in the preceding section to come within one thousand feet (1,000') of any residence, place of business, or public street, as measured in a straight line. (Ord. #\_\_, May 1962, as replaced by Ord. #13-11, Nov. 2013)

**10-103. Pen or enclosure to be kept clean.** When animals 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. (Ord. #\_\_, May 1962, as replaced by Ord. #13-11, Nov. 2013)

**10-104. Storage of food.** All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (Ord. #\_\_\_, May 1962, as replaced by Ord. #13-11, Nov. 2013)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (Ord. #\_\_\_, May 1962, as replaced by Ord. #13-11, Nov. 2013)

**10-106. Seizure and disposition of animals.** Any animal found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. 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 impounded animal must be claimed within seven (7) days. If not claimed by the owner, the animal shall be released to Gibson County Animal Control. The pound keeper shall collect from each person claiming an impounded animal reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (as added by Ord. #13-11, Nov. 2013)

**10-107. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense. (as added by Ord. #13-11, Nov. 2013)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination and registration required.
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- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Tethering of dogs.
- 10-208. Seizure and disposition of dogs.
- 10-209. Cruelty to dogs and cats.
- 10-210. Destruction of vicious or infected dogs running at large.
- 10-211. Violation and penalty.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law"<sup>1</sup> or other applicable law. (as added by Ord. #09-01, Feb. 2009, and replaced by Ord. #13-11, Nov. 2013)

**10-202. Dogs and cats to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (as added by Ord. #09-01, Feb. 2009, and replaced by Ord. #13-11, Nov. 2013)

**10-203. Running at large prohibited.** It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. Any person knowingly permitting a dog or cat to run at large, including the owner of the dog or cat, may be prosecuted under this section even if the dog or cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (as added by Ord. #09-01, Feb. 2009, amended by Ord. #11-06, May 2011, and replaced by Ord. #13-11, Nov. 2013)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-113.

for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code.<sup>1</sup> (as added by Ord. #09-01, Feb. 2009, amended by Ord. #11-06, May 2011, and replaced by Ord. #13-11, Nov. 2013)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (as added by Ord. #09-01, Feb. 2009, and replaced by Ord. #13-11, Nov. 2013)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated office or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (as added by Ord. #13-11, Nov. 2013)

**10-207. Tethering of dogs.** Tether means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog. It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met:

(1) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

(2) The tether is connected to the dog by buckle-type collar or a body harness made of nylon or leather, not less than one inch (1") in width.

(3) The tether has the following properties: it is at least five (5) times the length of the dog's body, as measured from the tip of the nose to the base of the tail, it terminates at both ends with a swivel, it does not weigh more than the dogs weight, and it is free of tangles.

(4) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.

(5) The dog is not outside during a period of extreme weather, including with limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.

(6) The dog has access to water, shelter, and dry ground.

(7) The dog is at least six (6) months of age. Puppies shall not be tethered.

(8) The dog is not sick or injured.

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<sup>1</sup>Municipal code reference

Vicious dogs: title 10, chapter 3.

(9) Pulley, running line, or trolley systems are at least fifteen feet (15') in length and are less than seven feet (7') above the ground.

(10) If there are multiple dogs, each dog is tethered separately. (as added by Ord. #13-11, Nov. 2013)

**10-208. Seizure and disposition of dogs.** Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within seven (7) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor aldermen, or after the seven (7) days, the dog will be released to Gibson County Animal Control. If the dog is not wearing a tag, it shall be released to Gibson County Animal Control unless legally claimed by the owner within seven (7) days. (as added by Ord. #13-11, Nov. 2013)

**10-209. Cruelty to dogs and cats.** It shall be unlawful for any person owning or in custody of any dog or cat to fail to provide said dog or cat with adequate food, water, shelter and veterinary care when reasonably required. It shall be unlawful for any person to beat, cruelly ill-treat, overload, overwork or otherwise abuse any dog or cat, or cause or permit any dog fight, with other animals or humans. It shall be unlawful for the owner or custodian of any dog or cat to abandon such animal. (as added by Ord. #13-11, Nov. 2013)

**10-210. Destruction of vicious or infected dogs running at large.** When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer. (as added by Ord. #13-11, Nov. 2013)

**10-211. Violation and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #13-11, Nov. 2013)

## CHAPTER 3

### VICIOUS DOGS

#### SECTION

- 10-301. Definition of terms.
- 10-302. Hearings panel.
- 10-303. Declaring a dog vicious.
- 10-304. Notice of vicious dog declaration.
- 10-305. Hearing on vicious dog declaration.
- 10-306. Requirements for keeping a vicious dog.
- 10-307. Impoundment and destruction.
- 10-308. Notice of impoundment.
- 10-309. Hearing on impoundment/destruction.
- 10-310. Exemption.
- 10-311. Change of status.
- 10-312. Dog fighting.
- 10-313. Change of ownership.
- 10-314. Penalties.
- 10-315. Right of entry by codes enforcer.

**10-301. Definition of terms.** As used in this chapter:

- (1) "Owner" means a person, firm or corporation keeping, possessing, harboring or having the care or custody of a dog.
- (2) "Vicious dog" means:
  - (a) Any dog which, "without provocation" has attacked or bitten a human being or domestic animal; or
  - (b) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. (as added by Ord. #13-11, Nov. 2013)

**10-302. Hearing panel.** There is hereby created and established a hearings panel. The panel shall consist of three (3) members: one (1) veterinarian appointed by the mayor; one (1) person appointed by the mayor to be chosen from either a kennel owner, obedience trainer, or an animal rights association or like organization; one (1) person appointed by the mayor from a local humane society and suggested by said society. The term of an office of such panel members shall be three (3) years, no person can serve more than two (2) consecutive terms, the three (3) members will be on staggered appointments, one (1) each year. Members of the panel shall meet on an as-needed basis and shall serve without compensation. (as added by Ord. #13-11, Nov. 2013)

**10-303. Declaring a dog vicious.** If the hearing panel has cause to believe that a dog is vicious the hearings panel may find and declare that dog a vicious dog, subject to the following provisions:

(1) No dog may be declared vicious for injury or damage sustained by a person who was committing a willful trespass, or other tort, upon the premises of the dog's owner.

(2) No dog may be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing, or assaulting the dog. (as added by Ord. #13-11, Nov. 2013)

**10-304. Notice of vicious dog declaration.** Within ten (10) days of declaring a dog vicious, the hearings panel shall notify the dog's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a vicious dog as set forth in this chapter. If the owner cannot be located, the dog may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address. (as added by Ord. #13-11, Nov. 2013)

**10-305. Hearing on vicious dog declaration.** (1) The owner of a dog declared vicious shall have the right to file, within ten (10) days after receiving notice, a written request for a hearing to contest the vicious dog declaration. The hearing shall be held within thirty (30) days after the hearings panel receives the owner's written request.

(2) The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral or written evidence and cross examine witnesses.

(3) The hearing panel shall issue a decision within ten (10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) If the hearing panel upholds the vicious dog declaration, the owner shall comply with all the requirements and conditions for maintaining a vicious dog as set forth in this chapter.

(5) The decision of the hearings panel is final. (as added by Ord. #13-11, Nov. 2013)

**10-306. Requirements for keeping a vicious dog.** The owner of a vicious dog shall be subject to the following requirements:

(1) **Confinement.** All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet (5') by ten feet (10') and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

(2) Leash and muzzle. The owner of a vicious dog shall not allow the dog to go outside its kennel, pen or structure unless the dog is muzzled, restrained by a chain or leash not more than four feet (4') in length, and under the physical control of a person. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

(3) Signs. The owner of a vicious dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious dog on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen or structure. All said signs shall be no less than twelve inches (12") by twelve inches (12") in size.

(4) Insurance. The owner of a vicious dog must provide proof to the codes enforcer that the owner has procured public liability insurance of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any damage or personal injury which may be caused by his or her vicious dog. In the event said liability insurance is canceled, lapsed, or for any reason becomes non-enforceable, said owner shall be in violation of the provisions of this chapter and subject to the penalties provided herein. (as added by Ord. #13-11, Nov. 2013)

**10-307. Impoundment and destruction.** The codes enforcer or his authorized representative may order the impoundment of a dog; and the hearings panel may order the destruction of a dog where:

- (1) The dog has attacked, bitten, or injured a human being; or
- (2) The dog is a vicious dog as defined in § 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in § 10-306. (as added by Ord. #13-11, Nov. 2013)

**10-308. Notice of impoundment.** Within ten (10) days of an impoundment, the codes enforcer or his authorized representative shall notify the dog's owner in writing of the impoundment. (as added by Ord. #13-11, Nov. 2013)

**10-309. Hearing on impoundment/destruction.** (1) Request for hearing. The owner of an impounded dog shall have the right to file within ten (10) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) Informal hearing. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.



(3) Decision. The hearings panel shall issue a decision within ten (10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) Order of destruction or release. After considering all relevant evidence, the hearings panel may order the destruction of the impounded dog, or may release the dog to its owner conditional on the owner complying with the requirements for keeping a vicious dog as set forth in § 10-306, or complying with any other requirements necessary to protect the public health and safety.

(5) Consequence of failure of owner to appear. If the owner of impounded dog fails to appear at a hearing or fails to request a hearing, the dog shall be destroyed.

(6) Expenses of impoundment. Any person who violates this chapter shall pay all expenses, including shelter food, handling, veterinary care and testimony necessitated by the enforcement of this chapter. (as added by Ord. #13-11, Nov. 2013)

**10-310. Exemption**. This chapter shall not apply to dogs used by a police department or law enforcement agency. (as added by Ord. #13-11, Nov. 2013)

**10-311. Change of status**. The owner of a vicious dog shall notify the codes enforcer or his authorized representative within twenty-four (24) hours, if the vicious dog is unconfined and on the loose, or has attacked a human being or animal. (as added by Ord. #13-11, Nov. 2013)

**10-312. Dog fighting**. No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals. (as added by Ord. #13-11, Nov. 2013)

**10-313. Change of ownership**. If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog, the owner shall, within three (3) days, provide the codes enforcer or his authorized representative with the name, address, and telephone number of the new owner. The previous owner shall notify the new owner of the dog's designation as a vicious dog and of the requirements and conditions for keeping a vicious dog. (as added by Ord. #13-11, Nov. 2013)

**10-314. Penalties**. Whoever violates any provision of this chapter shall be guilty of a misdemeanor and may be punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #13-11, Nov. 2013)

**10-315. Right of entry by codes enforcer.** It shall be the duty and authority of the codes enforcer or his authorized representative to enter onto any premises, public or private, at any reasonable hour of day to make inspection for the purpose of carrying out the provisions of this chapter. (as added by Ord. #13-11, Nov. 2013)

## CHAPTER 4

### FOWLS INSIDE CORPORATE LIMITS

#### SECTION

10-401. Fowls defined.

10-402. Keeping of fowls prohibited.

10-403. Pre-existing uses.

10-404. Health and sanitation standards for pre-existing uses.

10-405. Penalty for violation.

**10-401. Fowls defined.** For the purpose of administering the provisions of this chapter, the term "fowl" shall mean any of the larger domestic birds, specifically, chickens, ducks, geese, and turkeys. (as added by Ord. #13-11, Nov. 2013)

**10-402. Keeping of fowls prohibited.** It shall be unlawful for any person to have or keep chickens or other fowls upon any property or premises within the corporate limits of the City of Medina, Tennessee. (as added by Ord. #13-11, Nov. 2013)

**10-403. Pre-existing uses.** Nothing in § 10-402 of this chapter shall be construed as to require the discontinuance of the keeping of chickens or other fowls by persons legally keeping such animals within the corporate limits of the City of Medina on the effective date of the ordinance comprising this section, or within any area subsequently annexed by the City of Medina as of the effective date of such annexation ordinance, subject to the following conditions:

(1) Any such pre-existing use which is discontinued, for any reason, for a period of more than thirty (30) days shall not be re-established.

(2) It shall be unlawful for the owner or keeper of any such pre-existing use to add to the number of chickens or fowls kept on his premises after the effective date of the ordinance comprising this chapter.

(3) The provisions of § 10-404 of this chapter relating to the health, safety, and welfare of the community must be observed. (as added by Ord. #13-11, Nov. 2013)

**10-404. Health and sanitation standards for pre-existing uses.** The ownership or keeping of chickens or other fowls as a pre-existing use in the City of Medina shall conform to the following health and safety standards:

(1) Pen under enclosures. Pen, coops, and enclosures for keeping chickens or fowls shall not be located closer than one hundred feet (100') from any dwelling, house or residence and pens shall be kept clean and orderly at all times.

(2) Adequate food, water, shelter, etc., to be provided. No chickens or fowls 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 in a rat-proof and fly-tight building, box, or receptacle.

(3) Keeping in such manner as to be a nuisance prohibited. No chickens or fowls shall be kept or confined in such a place or condition as to become a nuisance due to noise, odor, contagious disease, or other reason.

(4) Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or purposely injure any chicken or other fowl.

(5) Seizure and disposition of chickens or fowls. Any chicken or other fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any law enforcement officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known he mailing address. If the owner is not known or cannot be located, a notice describing the impounded chicken or fowl shall be posted in at least three (3) public places within the corporate limits of Medina. In either case, the notice shall state that the impounded chicken or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the chicken or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen. The pound keeper shall collect from each person claiming an impounded chicken or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance.

(6) Inspection of premises. For the purpose of making inspections to insure compliance with the provisions of the chapter, the health officer or his designated representative shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe a chicken or fowl is being kept in violation of this chapter. (as added by Ord. #13-11, Nov. 2013)

**10-405. Penalty for violation.** Any person found guilty of violation of this chapter shall be punishable by a fine of not more than fifty dollars (\$50.00) plus court costs for each such offense. Each day any violation of this chapter continues shall constitute a separate offense. (as added by Ord. #13-11, Nov. 2013)