

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

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

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10-101. 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. (1981 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1981 Code, § 3-102)

10-103. 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. (1981 Code, § 3-103)

10-104. 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. (1981 Code, § 3-104)

10-105. 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 because of either noise, odor, contagious disease, or other reason. (1981 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1981 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police 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 mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal 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 animal 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 animal 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. (1981 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1981 Code, § 3-108)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Dog and cat vaccinations required; fees; exceptions.

10-202. Evidence of ownership of dogs or cats.

10-203. Dogs to wear tags.

10-204. Dogs running at large.

10-205. Confinement of dogs or cats suspected of being rabid.

10-206. Seizure and disposition of dogs running at large.

10-207. Impoundment fees; expenses.

10-208. Owner surrender of animals.

10-209. Noisy dogs prohibited.

10-210. Violation/penalties.

10-201. Dog and cat vaccinations required; fees; exceptions. It shall be unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any dog three (3) months of age or over, or any cat six (6) months of age or over, without having the same duly vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies Law, Tennessee Code Annotated, §§ 68-8-101 through 68-8-114, and the regulations enacted in accordance with such law, as such law or regulations may be amended from time to time. (1981 Code, § 3-201, as replaced by Ord. #2000-22, Dec. 2000)

10-202. Evidence of ownership of dogs or cats. If any dog or cat is found on the premises of any person for a period of ten (10) days or more, it shall be prima facie evidence that such dog or cat belongs to the occupant of such premises. Any person keeping or harboring a dog or cat for ten (10) consecutive days shall, for the purpose of this chapter, be declared to be the owner of such dog or cat and shall be liable for violations of this chapter and chapter 3 of title 10. (1981 Code, § 3-202, as replaced by Ord. #2000-22, Dec. 2000)

10-203. Dogs to wear tags. 1. It shall be unlawful for any person to own, keep or harbor, or cause to permit to be owned, harbored or kept in the city, any dog which does not wear a tag evidencing the vaccination and registration required by this chapter.

2. Such license tags shall be purchased from veterinarians, who shall issue tags in accordance with the Tennessee Anti-Rabies Law and regulations enacted thereunder.

3. The provisions of this section shall not apply to nonresidents traveling through the city or staying temporarily for a period of less than thirty (30) days. (1981 Code, § 3-203, as replaced by Ord. #2000-22, Dec. 2000)

10-204. Dogs running at large. Dog owners, or persons who harbor or keep dogs within the city, shall, at all times, keep their animals on a leash or confined by a fence on their property or the private property of another, with the permission of the owner of that property, so as to prevent the animal from being at large, biting or harassing any person engaged in a lawful act, interfering with the use of public property or with the use of another person's private property or being in violation of any other section of this code. No animal shall be allowed to run at large even on the property of the owner of such animal, unless confined by a fence. (1981 Code, § 3-204, as replaced by Ord. #2000-22, Dec. 2000)

10-205. Confinement of dogs or cats suspected of being rabid. If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer, animal control officer or chief of police may cause such dog or cat to be confined or isolated for such time as he or she deems reasonably necessary to determine if such dog or cat is rabid. (1981 Code, § 3-205, as replaced by Ord. #2000-22, Dec. 2000)

10-206. Seizure and disposition of dogs running at large. (1) Any dog found running at large may be seized by a health officer, animal control officer, police officer or public works employee and temporarily impounded. If the owner of the dog can be identified, by means of the dog's license tag or otherwise, the city immediately upon impoundment or as soon as practical thereafter shall attempt to notify the owner by telephone. The owner may redeem the dog by providing proof of current vaccination and paying a reasonable impoundment fee, in accordance with the fee schedule set out in this chapter 2 or any amendment hereto. If the owner is unknown or cannot be contacted within twenty four hours, or if the owner is contacted but fails to claim the dog within 24 hours after being contacted, or fails to show proof of current vaccination, the dog will be transported to the Memphis Animal Shelter.

(2) When because of its viciousness or apparent infection with rabies a dog or cat cannot be safely impounded, it may be summarily destroyed by the health officer, animal control officer or any policeman. (1981 Code, § 3-206, as replaced by Ord. #2000-22, Dec. 2000)

10-207. Impoundment fees; expenses. (1) The impoundment fees provided for in this section shall apply only to redemption of a dog or cat impounded by the City of Millington. Additional fees or charges may apply if the dog or cat has been transported to the Memphis Animal Shelter.

(a) First impoundment, \$30.00

(b) Second impoundment, \$50.00. (Animal belonging to same owner picked up for a second time within one year of the date of the first impoundment.)

(c) Third and subsequent impoundments, \$100.00 each. (Animal belonging to same owner picked up for a third time or more within one year of the date of the first impoundment.)

(2) In addition to the impoundment fee, if the city has incurred any incidental or extraordinary expenses, such as costs of necessary treatment of the impounded animal by a veterinarian, the owner shall be liable for payment of such costs. (1981 Code, § 3-207, as replaced by Ord. #2000-22, Dec. 2000)

10-208. Owner surrender of animals. It shall be the responsibility of the animal's owner to transport and surrender any and all unwanted animals to the Memphis Animal Shelter. It shall be the responsibility of the owner properly and promptly to dispose of dead pets or farm animals according to applicable law. (as added by Ord. #2000-22, Dec. 2000)

10-209. Noisy dogs prohibited. No person shall own keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (as added by Ord. #2000-22, Dec. 2000)

10-210. Violation/penalties. Any person violating or permitting the violation of any provision of this chapter shall, upon conviction in the city court, be required to pay a penalty of up to \$50 plus costs for each separate violation. Each day that a violation continues shall be deemed a separate offense. (as added by Ord. #2000-22, Dec. 2000)

CHAPTER 3

DANGEROUS ANIMALS

SECTION

- 10-301. Definitions.
- 10-302. Keeping dangerous animal prohibited.
- 10-303. Exceptions.
- 10-304. Enforcement.
- 10-305. Violation/penalties.
- 10-306. Costs to be paid by responsible persons.
- 10-307. Reporting of incidents.

10-301. Definitions. (1) “At-large.” An animal running loose without leash or restraint measures.

(2) “Dangerous animal.” An animal may be categorized as dangerous when any one or more of the following conditions occur:

(a) Any animal which has been declared to be dangerous at a proceeding held pursuant to this chapter.

(b) Any animal which, while-at-large, or improperly confined or controlled, kills or seriously injures another domestic animal, whether on public or private property.

(c) Any animal which is observed at-large and running in packs on three separate occasions, as such animals pose a potential danger to the public due to their tendency to develop dangerous or vicious habits.

(d) Any animal which approaches a person or an animal in a threatening or menacing manner.

(e) Any animal which, has inflicted injury on, or attacks, or bites, a human being, without provocation, whether on public or private property.

(f) Any animal owned or harbored primarily or partly for the purpose of animal fighting, or trained for fighting.

(g) Any animal which the owner permits to be used or uses in the commission of a crime or to harm, threaten, torment, abuse or otherwise endanger the safety of a human being.

(h) Any animal which unprovoked, chases or approaches a person on the streets, sidewalks or any public or private property in an attempt to attack.

(i) Any animal with an observed propensity, tendency or disposition to attack unprovoked, so as to cause injury or otherwise threaten the safety of human beings or domestic animals.

(3) “Person” includes any natural person, association, partnership, limited liability company, corporation or other organization.

(4) “Provocation” shall mean tormenting, abusing or assaulting any animal. (1981 Code, § 3-301, as replaced by Ord. #2000-23, Dec. 2000)

10-302. Keeping dangerous animal prohibited. (1) It shall be unlawful for any person to harbor or keep a dangerous animal within the city unless such animal is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1981 Code, § 3-302, as replaced by Ord. #2000-23, Dec. 2000)

10-303. Exceptions. Any person or organization which falls into one of the following subsections shall be permitted to own, harbor or have charge, custody, control or possession of any animal described above:

(1) Bona fide educational or medical institutions, museums or any other place where dangerous animals are kept as live specimens for the public to view, or for the purpose of instruction or study.

(2) Any circus, carnival or other exhibit or show which keeps such animals for exhibition to the public, provided such animals are securely confined or restrained so as not to endanger human beings.

(3) A bona fide, licensed veterinary hospital which keeps such animals for treatment or impoundment.

(4) The Millington Police Department, Shelby County Sheriff's Department or any duly constituted law enforcement agency when such animals are used for law enforcement purposes. (1981 Code, § 3-303, as replaced by Ord. #2000-23, Dec. 2000)

10-304. Enforcement. (1) Any person who witnessed or has other personal knowledge that an act made unlawful by this chapter has been committed, or that an animal should be declared to be dangerous, may sign a complaint against the alleged violator or owner of such animal.

(2) Any police officer, special police officer or animal control officer employed by the city, or acting under a city contract with another governmental entity, is authorized to issue a summons and complaint to any person when the officer personally observes a violation of the provisions of this chapter, or when information is received from any person who has personal knowledge that an act which is made unlawful by this chapter has occurred or that an animal should be declared to be dangerous.

(3) Should a police officer, special police officer or animal control officer witness or receive information concerning a violation of/or behavior as described in subsections (1) or (2), he or she may, in his or her discretion, impound the animal involved pending a hearing as described in subsections (4) through (6) below.

(4) When a complaint or summons has been issued pursuant to paragraphs (1) or (2) above, or upon motion of an animal owner whose animal has been impounded under subsection (3) above, the city court is empowered to

hold hearings to determine whether reasonable grounds exist to believe that a violation has occurred or whether an animal should be declared to be dangerous. Said hearings may be held on an ex parte basis if the court, within its discretion, determines it necessary to protect the public health or safety. After the hearing, if the court finds that reasonable grounds exist, the court is empowered to enter orders, either on its own motion or on the motion of the city, to have the animal in question seized and impounded or to continue the impoundment of the animal, at the owner's expense, until the completion of all legal proceedings.

(5) If the court finds a violation of this chapter, it shall order the animal destroyed or immediately removed from the city. If an animal is ordered destroyed or removed from the city pursuant to this subsection, the person who owns, possesses, or keeps the animal shall be entitled to petition the circuit court within fourteen (14) days of the order for a hearing to review the propriety of the order. However, said animal shall be impounded and remain in custody pending a final order in the judicial proceedings.

(6) Should the defendant fail to immediately remove the animal from the city as ordered by the court, the city court judge shall find the defendant in contempt and order the immediate confiscation, impoundment and destruction of the animal. (1981 Code, § 3-304, as replaced by Ord. #2000-23, Dec. 2000)

10-305. Violation/penalties. Any person violating or permitting the violation of any provision of this chapter shall, upon conviction in the city court, be subject to a fine of up to three hundred fifty dollars (\$350) for each separate violation. Each day that a violation of this chapter continues shall constitute a separate offense. (1981 Code, § 3-305, as replaced by Ord. #2000-23, Dec. 2000)

10-306. Costs to be paid by responsible persons. In addition to the foregoing penalties, all expenses, including without limitation, any costs incurred by the City of Millington for shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter shall be charged against the owner, keeper, or harbinger of such animal and the owner of the property on which such animal is kept. Payment for such costs shall be collected by the city clerk. (1981 Code, § 3-306, as replaced by Ord. #2000-23, Dec. 2000)

10-307. Reporting of incidents. It shall be mandatory, as to both the owner of the animal and the persons bitten, to report all animal bites, whether occurring upon the streets, sidewalks, or any public or private property, to the Millington Police Department. In addition, it shall be mandatory to report any unprovoked attacks and/or any incidents in which animals exhibit threatening or menacing behavior to a person upon the streets, sidewalks or any public or private property. Reports to the police departments shall contain the following information:

- (1) The date and location of such incident;

- (2) The name, address and age of the victim and, if the victim is a minor, the name and address of his or her parent or legal guardian, if known;
- (3) The breed of animal involved or its classification as mixed breed, and a description of the animal;
- (4) The identity of the owner or keeper of the animal, if known; and
- (5) The action taken or ordered by the city court in response to such incident. (1981 Code, § 3-307, as replaced by Ord. #2000-23, Dec. 2000)