

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Humane treatment of animals.
- 10-107. Seizure and disposition of animals.
- 10-108. Abandonment.
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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, 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.

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 this chapter, whether or not the disposition includes returning the animal to its owner. (1990 Code, § 10-101, modified)

10-102. Keeping near residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep any animal or fowl enumerated in the preceding section within five hundred feet (500') of any residence, place of business, or public street without a permit from the animal control officer of the town. The animal control officer shall issue a permit only, when in his sound judgment, the keeping of such an animal in a yard or a building under the circumstances as set forth in the application for the permit will not injuriously affect public health. A fee for the issuance of such a permit shall be charged to the applicant. The city recorder may set the permit fee not to exceed ten dollars (\$10.00). (1990 Code, § 10-102)

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. (1990 Code, § 10-103)

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. (1990 Code, § 10-104)

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. (1990 Code, § 10-105)

10-106. Humane treatment of animals. (1) No person shall intentionally or knowingly:

- (a) Torture, maim, or grossly over-work an animal;
- (b) Fail to provide the minimum necessary food, water, care of shelter for an animal in that person's custody;
- (c) Transport or confine an animal in a cruel manner;
- (d) Inflict burns, cuts, lacerations, or other injuries or pain, by any method, on any animal;
- (e) Mutilate any animal whether alive or dead;
- (f) Place any poisonous substance which may be harmful to domestic animals, in any location where it may be readily found and eaten by such domestic animals; or
- (g) Permit any fight or other combat between animals.

(2) An animal involved in a violation of any portion of this section maybe confiscated by the animal control officer or police officer and held. Upon the conviction of the owner of such domestic animal or animals, any animal so confiscated shall become the property of the animal control department, and the owner of the animal shall pay to or reimburse the animal control department all veterinary fees associated with the medical treatment provided the animal while in custody. (1990 Code, § 10-106)

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 any police officer or other properly designated officer or official and confined. 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 maintenance 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 or mayor and aldermen. (1990 Code, § 10-107)

10-108. Abandonment. No owner shall abandon any animal. "Abandonment" means leaving such animal for a period in excess of twenty-four (24) hours without providing for food and water. No person shall leave an animal by roadside or other area, or shall leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found abandoned, such animal may be taken by an animal control officer or police officer and be impounded. Such animal shall be kept for not less than three (3) days and then may be humanely destroyed. In the event that an animal is "abandoned," the owner or the person, if any, who has been charged with the animal's care, shall be subject to citation for violation of this section and fined not more than fifty (\$50.00) dollars if found guilty. (Ord. #233, Dec. 2001)

10-109. Policies and procedures adopted. The Town of Mount Carmel, Tennessee, Animal Control Policies and Procedures Manual is hereby adopted by reference as the official policy of the Town of Mount Carmel, Tennessee, and all approved amendments thereto, and is to be used by all members and employees of the animal control department in carrying out the duties, responsibilities, and obligations imposed upon them by law or necessarily assumed in carrying out the departments objectives. A copy of the Animal Control Policies and Procedures Manual, and all amendments thereto, shall be maintained in the city recorder's office. (Ord. #193, Aug. 1998, modified)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs or cats to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs or cats suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs or cats running at large.
- 10-209. Dog and cat registration; registration fee.
- 10-210. Dogs and cats in heat.

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"¹ or other applicable law. (1990 Code, § 10-201)

10-202. Dogs or 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. (1990 Code, § 10-202)

10-203. Running at large prohibited.² 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. (1990 Code, § 10-203)

¹State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

²State law reference

Tennessee Code Annotated, §§ 68-8-107

10-204. 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 and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1990 Code, § 10-204)

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. (1990 Code, § 10-205)

10-206. 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 chief of police or any other properly designated officer or official may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1990 Code, § 10-206)

10-207. 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 five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (1990 Code, § 10-207)

10-208. Destruction of vicious or infected dogs or cats running at large. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any policeman¹ or other properly designated officer. (1990 Code, § 10-208)

10-209. Dog and cat registration; registration fee. All residents owning, keeping or harboring any dog or cat within the corporate limits which

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

dog or cat is over three (3) months of age, shall pay to the town a yearly registration fee of two and one-half dollars (\$2.50) for each spayed or neutered dog or cat and five dollars (\$5.00) for each unspayed or unaltered dog or cat owned, kept or harbored within the corporate limits. This registration fee shall be payable annually on or before the date that the certification for rabies vaccination expires. No registration permit shall be issued until the applicant presents proof of current rabies vaccination for each such animal. (1990 Code, § 10-209)

10-210. Dogs and cats in heat. Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding. (1990 Code, § 10-210)