

TITLE 10

ANIMAL CONTROL

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CHAPTER 1

IN GENERAL

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10-101. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter unless it is apparent from the context that a different meaning is intended:

(1) Animal. The term "animal" means and includes all living non-human creatures, domestic or wild, including livestock.

(2) Pet. The term pet shall mean any animal kept for pleasure rather than utility. Pet for this purpose shall not include any animals as deemed as livestock; wild or exotic by this chapter.

(3) Domestic animal. The term "domestic animal" shall mean any tame animal bred in captivity and which has never known the wild or any other animal which is not herein below defined as wild, exotic or livestock.

(4) Livestock. The term "livestock" means all farm animals, including but not limited to cattle, horses, pigs, fowl, sheep, goats, chickens, roosters, and mules.

(5) Pig. The term "pig" means any type of pig, hog, or swine including, but not limited to, potbellied pigs.

(6) Wild or exotic animal. Any animal which would ordinarily be confined to a zoo, or one (1) which would ordinarily be found in the wilderness of this or any other country, or one (1) which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. Such animals are further defined as being mammals or non-venomous reptiles, excluding non-poisonous snakes, weighing over fifty (50) pounds at maturity which are known at law a "ferae naturae." By way of example, such animals include but are not limited to any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, bear, deep, elephant, ostriches, sharks, and poisonous animal or reptile, or warm blooded animal, poisonous snake or tarantula which can normally be found in the wild state, or any other member of crocodylian, including, but not limited to, alligators, crocodiles, caimans, and gavials. Wild or exotic animals specifically do not include domestic animals, animal of species customarily used in the State of Tennessee as ordinary household pets, or animals of species customarily used in the State of Tennessee as livestock.

(7) Animal control officer. The term "animal control officer" means any officer of the Oliver Springs Police Department Division of Animal Control.

(8) At large. The term "at large" means off the premises of the owner and not under restraint.

(9) Attack. The term "attack" means an unprovoked attack in an aggressive manner on a human in which the victim suffered a scratch, abrasion, or bruise; or on a domestic animal that causes death or injury that requires veterinary treatment.

(10) Chief of police. The term "chief of police" means the chief of police for the Town of Oliver Springs.

(11) City manager town administrator. The term "city manager" means the city manager of the Town of Oliver Springs or his authorized designee.

"Town administrator" means the town administrator for the Town of Oliver Springs or his authorized designee.

(12) Confined. The term "confined" means securely confined indoors, within an automobile or other vehicle solely for transportation and transported in a humane manner, or confined in a securely enclosed and locked pen or structure or fence, electronic or otherwise, upon the premises of the owner of such animal. However, under no circumstances is an electronic or similar fence sufficient to confine an animal in heat or a vicious dog.

(13) Cruelty. The term "cruelty" means any act or omission of care that inflicts unnecessary physical pain, suffering on an animal, or that results in the death of an animal, including, but not limited to, the following:

- (a) Striking, beating, kicking, dragging, choking, or the use of an object or weapon to inflict pain upon or to injure an animal;
- (b) Use of caustic, flammable, boiling or heated substances on an animal;
- (c) Suffocation or drowning of an animal;
- (d) Transport or confinement of an animal in an inhumane manner;
- (e) Torture, maiming, or mutilation of an animal;
- (f) Overworking, over driving or driving an animal when overloaded;
- (g) Shooting a firearm or other missile-projecting weapon at an animal; wounding, capturing, or in any other manner molesting, injuring or killing an animal;
- (h) Inflicting burns, cuts, or lacerations on an animal by any method;
- (i) Failure to provide health related care or grooming of an animal;
- (j) Causing an animal, except livestock, to drag any heavy object, including but not limited to, cinder blocks, heavy weights, bricks, chains, or logs; or carrying any other object with the purpose of building up the strength or endurance of an animal; or
- (k) Any other act which causes harm or injury to an animal.

In the case of activities where physical pain is necessarily caused, such as medical, research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" means a failure to employ the most humane method reasonably available.

(14) Division of animal control. The term "division of animal control" means the Oliver Springs Police Department Division of Animal Control.

(15) Guard or attack dog. The term "guard dog" or "attack dog" means a dog trained to attack on command or to protect persons or property, by attacking or threatening to attack, and who will cease to attack upon command.

(16) Fowl. The term "fowl" means any wild or domesticated bird.

(17) Impoundment. The term "impoundment" means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

(18) Kennel. The term "kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, puppies, cats, or kittens or any other animal typically kept on such premises.

(19) Muzzle. The term "muzzle" means a device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or animal. Such device shall not interfere with the animal's ability to breathe.

(20) Owner. The term "owner" means any person having a right of property in an animal, or who keeps or harbors an animal or who has it in his or her care, or acts as its custodian or who permits an animal to remain on or about the person's premises. If an animal has more than one (1) owner, all owners are jointly and severally liable for the acts or omissions of an owner.

(21) Quarantine. The term "quarantine" means the humane confinement of an animal for the observation of symptoms for rabies, or other disease, in a secure enclosure that prevents the animal from coming into unplanned contact with any other animal or human being.

(22) Restraint. (a) For all animals, the term "restraint" means on the premises of the owner, or if off the premises, secured by leash or lead under the control of a person physically capable of restraining the animal and obedient to that person's commands.

(b) A dog or puppy may be restrained by a fixed point chain or tether for no more than eight (8) hours in a twenty-four (24) hour period.

(c) A dog may be exclusively restrained by a chain or tether provided that it is at least ten feet (10') in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet (10') in length and mounted at least four feet (4') and no more than seven feet (7') above ground level in a manner so as not to interfere or become entangled with objects on the property.

(d) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(e) No chain or tether shall weigh more than one-eighth (1/8) of the dog or puppy's body weight.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the dog or puppy.

(23) Severe attack. The term "severe attack" means an unprovoked attack upon a human being in which the victim suffered a severe bite or was shaken violently, and which causes serious physical trauma or death. (1989 Code, § 3-101, as replaced by Ord. #06-01-05, Jan. 2006, and Ord. #2014-5-15, May 2014)

10-102. Number of animals allowed and vaccination requirement.

(1) The maximum number of dogs and cats that a resident is allowed to keep shall be based on the size of the resident's lot. At no time shall the combined total number of dogs and cats exceed the following based on the size of their lot:

(a) Lots of one-fourth (1/4) acre or less are limited to a total of three (3).

(b) Lots of one-fourth to one-half (1/4 to one-half) acres are limited to a total of four (4).

(c) Lots of one-half to three-fourths (1/2 to 3/4) acres are limited to a total of five (5).

(d) Lots of three-fourths to one (3/4 to 1) acres are limited to a total of six (6).

(e) Lots of one to two (1 to 2) acres are limited to a total of eight (8).

(f) Lots over two (2) acres are limited to a total of fifteen (15).

(2) In the case of a kennel the maximum number of animals does not include animals less than three (3) months old.

(3) All residents owning, keeping or harboring dogs or cats over three (3) months of age must have them vaccinated for rabies. (1989 Code, § 3-102, as replaced by Ord. #06-01-05, Jan. 2006, and amended by Ord. #2018-08-16F, Aug. 2018 *Ch3_2-7-19*)

10-103. Kennels. All kennel owners and operators must comply with the following:

(1) Kennel owners or operators where dogs or cats are bred shall be required to pay an annual registration fee of fifty dollars (\$50.00). The annual registration fee is valid for one calendar year and is due on January 2 of each year.

(2) It shall be unlawful for any person owning or operating a kennel for breeding to fail to register their kennel.

(3) In order to maintain a healthy and sanitary environment kennels must be properly maintained so as to provide a clean and odor free environment, and have an effective program to control insects, parasites, and mammalian pests.

(4) Kennel owners must have a business license and charge sales tax. (1989 Code, § 3-103, as replaced by Ord. #06-01-05, Jan. 2006, as amended by Ord. #2018-08-16F, Aug. 2018 *Ch3_2-7-19*)

10-104. Confinement of animals in heat. Every female animal in heat shall be confined for a period of twenty-four (24) days in such a manner that such animal cannot come into contact with another animal except for planned breeding. While exercised, the animal shall be properly leashed. (1989 Code, § 3-104, as replaced by Ord. #06-01-05, Jan. 2006)

10-105. Animals kept off the owner's property, prohibited. (1) No animal, except livestock, shall be kept on a vacant lot or area that is not adjacent to the owner's property. Any livestock kept must comply with zoning restrictions. (See 5-10.)

(2) An animal may be kept on the premises of the owner's business as protection while the business is closed, provided the owner complies with all applicable sections of this chapter. (1989 Code, § 3-105, as replaced by Ord. #06-01-05, Jan. 2006, and amended by Ord. #2014-5-15, May 2014)

10-106. Animals at large prohibited. No animal, whether registered or not, shall be allowed to run at large or upon the premises of one other than the owner unless secured by a leash or lead. (1989 Code, § 3-106, as replaced by Ord. #06-01-05, Jan. 2006)

10-107. Impoundment of animals running at large. (1) It shall be the duty of the animal control officer or his duly authorized representative to apprehend and impound in an animal shelter any animal found running at large.

(2) An animal wearing a valid city tag shall be held for a period of seven (7) working days from the date of apprehension. Untagged, unregistered animals shall be held for a period of three (3) working days. Days are defined as days the animal shelter is open.

(3) Any animal not claimed within the times provided in subsection (2) may be destroyed or sold.

(4) The impoundment of an animal under this section shall not relieve the owner thereof from prosecution for permitting such animal to run at large in violation of § 10-106.

(5) The record of the owner, and not the particular animal, for one (1) year prior to the date of the current violation, shall be considered when calculating the number of offenses committed.

(6) Any unaltered animal that has been impounded three (3) times within any twelve (12) month period shall be spayed or neutered within thirty (30) days of release from the shelter. The owner must show proof of the procedure to the division of animal control.

(7) In addition to, or in lieu of, apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a summons requiring the owner to appear in city court for determination of whether or not there has been a violation within the meaning of this section.

(8) No animal shall be released from impoundment unless and until it has been vaccinated and registered and a tag placed on its collar. (1989 Code, § 3-107, as replaced by Ord. #06-01-05, Jan. 2006)

10-108. Impounding fees. The impounding fees are as follows:

- (1) Registered animal wearing a valid tag,
 - (a) Twenty dollars (\$20.00) for the first offense,
 - (b) Thirty dollars (\$30.00) for the second offense, and
 - (c) One hundred dollars (\$100.00) for the third offense plus an additional fifty dollars (\$50.00) for every subsequent offense.
- (2) Unregistered animal or registered animal not wearing a valid tag,
 - (a) Thirty dollars (\$30.00) for the first offense,
 - (b) Forty dollars (\$40.00) for the second offense, and
 - (c) One hundred dollars (\$100.00) for the third offense plus an additional fifty dollars (\$50.00) for every subsequent offense. (1989 Code, § 3-108, as replaced by Ord. #06-01-05, Jan. 2006)

10-109. Failure to re-claim animal at large. Any owner who has been notified that his or her animal has been impounded and who refuses to pay the impounding fee set forth in § 10-111 shall be subject to a penalty for failure to re-claim the animal. In determining the number of failures to re-claim, the entire record of the owner with regard to every animal owned will be considered. The penalty shall be as follows:

- (a) First failure to re-claim, fifty dollars (\$50.00).
- (b) Second failure to re-claim, one hundred dollars (\$100.00).
- (c) Third and subsequent failures to re-claim, two hundred and fifty dollars (\$250.00). (1989 Code, § 3-109, as replaced by Ord. #06-01-05, Jan. 2006)

10-110. Authority to kill animals at large. If any animal found at large in violation of this chapter cannot be safely taken up and impounded and either poses a threat to a person or the public or is seriously injured, such animal may be killed by any police officer or animal control officer. Nothing in this section shall be construed to prevent a police officer or animal control officer from killing an animal in self-defense. (1989 Code, § 3-110, as replaced by Ord. #06-01-05, Jan. 2006)

10-111. Possession of wild animals, prohibited. It is unlawful for any person to own or possess a wild animal within the city limits. (1989 Code, § 3-111, as replaced by Ord. #06-01-05, Jan. 2006)

10-112. Cruelty to animals prohibited. (1) It shall be unlawful for any person to maliciously or willfully strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering, or death to an animal, or to do anything defined in § 10-101 under "cruelty."

(2) It shall be unlawful to color, dye, stain, or otherwise alter the natural color of any animal.

(3) Any person convicted of cruelty to animals shall be subject to a penalty of not less than two hundred dollars (\$200.00) and not to exceed five hundred dollars (\$500.00).

(4) Nothing in this section prevents a person from using reasonable force to drive away a vicious or trespassing animal or to take any action necessary to avoid injury to a person. (1989 Code, § 3-112, as replaced by Ord. #06-01-05, Jan. 2006)

10-113. Improper care of animals prohibited. No person owning or keeping an animal shall fail to provide it with the minimum care, nor shall such person keep an animal under unsanitary conditions or in an enclosure that is overcrowded, unclean or unhealthy.

(1) Except for emergencies or circumstances beyond the owner's control, an animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal. Minimum care includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity, quality and nutrition to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source. Fowl shall at all times be provided with receptacles kept constantly filled with clean water.

(c) Access to a barn, doghouse, or other shelter sufficient to protect the animal from the elements.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(2) An enclosure is overcrowded unless its area is at least the square of the length of the animal in inches (from tip of nose to base of tail) plus six inches (6") for each animal confined therein, and the height must allow for each animal to fully stand upright.

(3) An enclosure is unclean when it contains an excessive amount of animal waste.

(4) An enclosure is unhealthy when its condition is likely to cause illness or injury to the animal. (1989 Code, § 3-113, as amended by Ord. #99-04-03, March 1999, as replaced by Ord. #06-01-05, Jan. 2006)

10-114. Abandonment. It shall be unlawful for any person to abandon an animal that is under its ownership or care. If an animal is found abandoned, the animal may be impounded. Abandonment consists of:

(1) Leaving an animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water and check on the animal's condition.

(2) Leaving an animal by a roadside or other area, or

(3) Leaving an animal on either public or private property without the property owner's consent.

Any person convicted of violating this section shall be subject to a penalty of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). Each animal abandoned is a separate violation. (1989 Code, § 3-114, as replaced by Ord. #06-01-05, Jan. 2006)

10-115. Poisoning. It shall be unlawful for any person, other than a licensed veterinarian or a person under the direction of a veterinarian for humanitarian purposes, to:

- (1) Administer poison to any animal(s);
- (2) Distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal; or
- (3) Knowingly leave a poisonous substance of any kind or ground glass in any place with the intent to injure an animal or in any location where it may be readily found and eaten by an animal.

The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or to persons using commercial insecticides and rodent baits to control insects and wild rodents. (1989 Code, § 3-115, as replaced by Ord. #06-01-05, Jan. 2006)

10-116. Noisy animals prohibited. (1) No person owning or keeping any animal shall fail to prevent such animal from disturbing the peace of any other person by loud and persistent or loud and habitual barking, yelping, howling, braying, whinnying, crowing, calling or making any other noise, whether the animal is on or off the owner's premises.

(2) No person shall be charged with violating this section unless a written warning was given to the owner within the twelve (12) months preceding the alleged date of violation. Such warning is sufficient if it recites subsection (1) and states that a complaint was received. A warning is given if personally given to the owner or mailed first class to the owner. (1989 Code, § 3-116, as replaced by Ord. #06-01-05, Jan. 2006)

10-117. Deleted. (1989 Code, § 3-117, as replaced by Ord. #06-01-05, Jan. 2006, and deleted by Ord. #2018-08-16F, Aug. 2018 *Ch3_2-7-19*)

10-118. Citation procedure for violations of this chapter. Whenever an animal control officer determines there has been a violation of any of the provisions in this chapter, in lieu of obtaining a warrant for the arrest of the offender, the animal control officer may prepare in quadruplicate a written notice to appear in city court containing the name and address of such person, the offense charged, and the time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of the issuance to appear, unless the person cited agrees to a shorter time

period. If the person so demands, the appearance in court shall be the first session of court following the citation. The cited person shall sign one (1) copy of the notice to appear. Signing the notice shall constitute the cited person's promise to appear on the date specified in the notice. One (1) copy of the notice shall be delivered to the cited person. (as added by Ord. #06-01-05, Jan. 2006)

10-119. Failure to obey animal control citation. No person shall violate his or her written promise to appear provided for in § 10-118, regardless of the disposition of the charge for which the citation was originally issued. (as added by Ord. #06-01-05, Jan. 2006)

10-120. Acceptance of guilty pleas and penalties for animal control violations. The city court clerk is hereby authorized to accept pleas of guilty for violations of this chapter, to accept designated penalties in connection with such pleas, to issue receipts therefor, and to appear for such person in court for the purpose of entering pleas of guilty, all in accordance with such procedures as may be established by the judge of the city court. Such penalties shall be accepted upon the entry of any plea of guilty before the court clerk. The amount of such penalty to be accepted shall be so designated by rule of court promulgated by the judge of the city court; provided that no such penalty may be accepted for a sum less than the minimum penalty imposed by any section of this chapter for such offense. Any person given a citation for a violation of any provision of this chapter may post the penalty appropriate thereto, and notify the clerk of the city court that he or she will not appear for trial in which case the matter may be entered on the docket for trial. (as added by Ord. #06-01-05, Jan. 2006)

10-121. Collection and disposition of fees. All fees required by this chapter shall be collected as required and shall be deposited in the general fund. (as added by Ord. #06-01-05, Jan. 2006)

10-122. Penalties. Any person violating any provision of this chapter, unless the penalty is specified in the section, shall be punished by a penalty not to exceed five hundred dollars (\$500.00). Each day a violation exists shall be deemed a separate violation. (as added by Ord. #06-01-05, Jan. 2006)

10-123. Severability. If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this chapter. (as added by Ord. #06-01-05, Jan. 2006)

CHAPTER 2

RABIES CONTROL

SECTION

- 10-201. Vaccination of animals.
- 10-202. Apprehension and disposition of rabid animals and suspects.
- 10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid.
- 10-204. Quarantine of animals in contact with rabid animal.
- 10-205. Report required when person is bitten by an animal.
- 10-206. Veterinarians to report result of examination of animal that has bitten person.
- 10-207. Forwarding of head to state health department.
- 10-208. Surrender and examination of carcasses of animals.

10-201. Vaccination of animals. (1) It shall be unlawful for any person to own, keep, or harbor any dog or cat, or other animal that requires vaccination for rabies, which has not been vaccinated against rabies as required by state law.

(2) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be re-vaccinated, description and sex of the animal vaccinated, type and lot number of the vaccine administered and the signature of the person administering the vaccine.

(3) The certificate shall be prepared in triplicate, the original to be given to the owner, the first copy filed in the office of the local health department, and the second copy retained by the person administering the vaccine.

(4) All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee. (as added by Ord. #06-01-05, Jan. 2006)

10-202. Apprehension and disposition of rabid animals and suspects. Any animal capable of being infected with rabies which is rabid or believed to be rabid shall be immediately reported to the police department. Such animal shall be taken up and impounded if this can be accomplished with safety. If it is necessary for the city to destroy the animal to prevent further biting or for the safety of the community, every effort shall be made to avoid damage to the brain. (as added by Ord. #06-01-05, Jan. 2006)

10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid. (1) Any animal that is

suspected of or has bitten a human being, or is suspected of being infected with rabies, shall be quarantined at a facility designated by the animal control officer for no less than ten (10) days from the time the bite or scratch occurred. The owner shall be responsible for all quarantine fees and costs.

(2) No animal that is suspected of or has bitten a human being or is suspected of being infected by rabies shall be killed or destroyed or removed from the city unless authorized by the animal control officer.

(3) Only animals that appear to be without rabies shall be released from quarantine or impoundment.

(4) No person shall hide, kill, conceal or aid or assist in hiding, killing, or concealing any animal suspected of being infected with rabies or shall conceal or permit the same to be removed from the city for the purpose of preventing the quarantine.

(5) There shall be placed in a conspicuous place in plain view of all entrances to the place of quarantine a placard on which shall be printed, in letters not less than two inches (2") high, the words "Rabies-Quarantine." The place of quarantine shall be cleaned and disinfected to the satisfaction of the animal control officer. (as added by Ord. #06-01-05, Jan. 2006)

10-204. Quarantine of animals in contact with rabid animal. All animals capable of being infected with rabies that have come in contact with a rabid animal shall be quarantined and vaccinated as follows:

(1) If no vaccination for rabies has been given within the previous twelve (12) months, the animal shall be vaccinated and quarantined for ninety (90) days.

(2) If the animal has been vaccinated for rabies within the previous twelve (12) months, the animal shall be re-vaccinated and quarantined for thirty (30) days. (as added by Ord. #06-01-05, Jan. 2006)

10-205. Report required when person is bitten by an animal. Whenever a person is bitten by an animal capable of being infected with rabies, prompt report of such bite shall be made to the police department. Such report shall be made by any physician attending the person bitten, or, if such person is at a hospital, the report shall be made by the person in charge. Such report shall contain all information required by the town. When a physician was not consulted or the person not taken to a hospital, the report shall be made by the person bitten or any other person with knowledge of the facts. (as added by Ord. #06-01-05, Jan. 2006)

10-206. Veterinarians to report result of examination of animal that has bitten person. Whenever a veterinarian is called upon to examine an animal capable of transmitting rabies that has bitten a person, the veterinarian shall promptly report the results of the examination to the proper town authority. (as added by Ord. #06-01-05, Jan. 2006)

10-207. Forwarding of head to state health department. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the division of animal control shall send the head of such animal to the state health department for pathological examination. (as added by Ord. #06-01-05, Jan. 2006)

10-208. Surrender and examination of carcasses of animals. The carcass of any dead animal found within the city shall, upon demand, be surrendered to the division of animal control for examination if, in the opinion of the officer, such examination is necessary or advisable. (as added by Ord. #06-01-05, Jan. 2006)

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition.
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10-301. Definitions. "Vicious dog" means:

- (1) Any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals; or
- (2) Any dog which, without provocation, has attacked or bitten a human being or domestic animal; or
- (3) Any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting. (1989 Code, § 3-201, as replaced by Ord. #06-01-05, Jan. 2006)

10-302. Procedure for declaring a dog vicious. (1) An animal control officer, police officer or any adult person may request under oath that a dog be classified as vicious as defined in § 10-304 by submitting a sworn, written complaint. Upon receipt of such complaint, the animal control officer shall notify the owner of the dog, in writing, that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(2) At the conclusion of an investigation, the animal control officer may:

(a) Determine that the dog is not vicious and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(b) Determine that the dog is vicious and order the owner to comply with the requirements for keeping a vicious dog set forth in § 10-309, and if the dog is impounded, release the dog to its owner after

the owner has paid all fees incurred for impoundment. If all impoundment fees have not been paid within ten (10) days after a final determination that the dog is vicious, the town may cause the dog to be humanely destroyed.

(3) Nothing in this article shall be construed to require a dog to be declared vicious prior to taking action under state law. (1989 Code, § 3-202, as replaced by Ord. #06-01-05, Jan. 2006)

10-303. Notification of vicious dog declaration. (1) Within five (5) days after declaring a dog vicious, the city manager shall notify the owner by certified mail or personal delivery of the dog's designation as a vicious dog and of the requirements for keeping a vicious dog as set forth in § 10-309. The city manager shall also notify the division of animal control of the designation of any dog as a vicious dog.

(2) The notice shall inform the owner that he or she may request, in writing, a hearing to contest the city manager's finding and designation within five (5) days after delivery of the vicious dog declaration notice. (1989 Code, § 3-203, as replaced by Ord. #06-01-05, Jan. 2006)

10-304. Hearing on vicious dog declaration. (1) The city manager shall hold a hearing within ten (10) days after receiving the owner's written request for such a hearing. The city manager shall provide notice of the date, time and location of the hearing to the owner by certified mail or personal delivery and to the complainant by regular mail.

(2) At a hearing, all interested parties shall be given the opportunity to present evidence on the issue of the dog's viciousness. Criteria to be considered in the hearing shall include but not be limited to the following:

- (a) Provocation,
- (b) Severity of attack or injury to a person or animal,
- (c) Previous aggressive history of the dog,
- (d) Observable behavior of the dog,
- (e) Site and circumstances of the incident, and
- (f) Statements from interested parties.

(3) A determination at the hearing that the dog is in fact a vicious dog as defined in § 10-301 shall subject the dog and its owner to the requirements of this article.

(4) Failure of the owner to request a hearing shall result in the dog being finally declared a vicious dog and shall subject the dog and its owner to the requirements of this article. (1989 Code, § 3-204, as replaced by Ord. #06-01-05, Jan. 2006)

10-305. Appeal from vicious dog declaration. If the city manager determines that a dog is vicious at the conclusion of a hearing conducted under

§ 10-304, that decision shall be final unless the owner of the dog appeals the decision to circuit court. (as added by Ord. #06-01-05, Jan. 2006)

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 that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The pen or structure shall have minimum dimensions of five feet (5') in width and length by ten feet (10') in height 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 kept clean and sanitary. The enclosure must provide shelter and protection from the elements and must provide adequate exercise room, light and ventilation. Under no circumstances may a vicious dog be confined by a fence, whether it is electronic, a similar underground wire system, or otherwise. Under no circumstances may more than one (1) dog be kept in any one pen or structure.

(2) Indoor confinement. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the structure on its own volition. In addition, no vicious dog may be kept in a house or structure when open windows or screen doors are the only obstacle preventing the dog from exiting the house or structure.

(3) Number of vicious dogs per residence. Only one (1) dog that has been declared vicious may be owned per residence.

(4) 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, under the physical control of a capable adult, and restrained by a leash not more than four feet (4') in length, which shall be bright yellow in color, and of sufficient strength to control the dog. 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 being or animal.

(5) Signs. The owner of a vicious dog shall display, in a prominent place on the owner's premises, a clearly visible warning sign reading "Beware of Vicious Dog." The sign shall be readable from the driveway entrance or street. 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. The sign shall be at least twelve inches (12") by twelve inches (12") in size.

(6) Insurance. The owner of a vicious dog shall obtain public liability insurance of at least one hundred thousand dollars (\$100,000.00), per dog, insuring the owner for any damage or personal injury that may be caused by his vicious dog. The policy shall contain a provision requiring the city to be notified

immediately by the agent issuing the policy in the event that the policy is canceled, terminated or expired. The owner must provide proof of the insurance to the division of animal control. If there is a lapse in insurance or a cancellation, the owner shall be in violation of this chapter. (as added by Ord. #06-01-05, Jan. 2006)

10-307. Impoundment. When a dog has severely attacked a human being or domestic animal, and a police officer or animal control officer witnessed the attack or witnessed the injuries caused by the attack, such dog shall be impounded. (as added by Ord. #06-01-05, Jan. 2006)

10-308. Notice of impoundment. Within five (5) days of impoundment of a dog under § 10-307, the division of animal control shall notify the dog's owner, if known, in writing of the impoundment. (as added by Ord. #06-01-05, Jan. 2006)

10-309. Hearing on impoundment and/or destruction. (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing before the city manager to contest the impoundment.

(2) Upon request by the owner for a hearing pursuant to subsection (1), a hearing shall be held within ten (10) days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail or delivered personally to the dog's owner.

(3) The city manager shall issue a decision after the close of the hearing and shall notify the owner in writing of the decision.

(4) After considering all of the relevant evidence, the city manager may request the district attorney general to petition the circuit court to 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.

(5) If state law changes and permits a municipality to order the destruction of a dog as a result of an attack on a person or other animal, then the city manager shall automatically have the power to order the destruction of said dog under subsection (4) without going through circuit court. (as added by Ord. #06-01-05, Jan. 2006)

10-310. Exceptions. (1) This article shall not apply to any dog used by the police department or law enforcement agencies.

(2) No dog shall be declared vicious for injury or damage sustained by a person who was entering the owner's property to commit a burglary, robbery, assault, willful trespass or other tort or crime.

(3) No dog shall be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing, assaulting, or otherwise provoking the dog.

(4) No dog shall be declared vicious solely because it bites or attacks:

(a) A person assaulting its owner, excluding a police officer attempting to subdue or effect the arrest of a suspect; or

(b) An unrestrained animal that attacks it or its young while it is restrained in compliance with this chapter. (as added by Ord. #06-01-05, Jan. 2006)

10-311. Change of status. The owner of a vicious dog shall notify the division of animal control:

(1) Immediately if the vicious dog is unconfined and on the loose, or has attacked a human being or domestic animal without provocation;

(2) If the owner has moved outside of the city limits and shall give the owner's new address; or

(3) If the dog has died. (as added by Ord. #06-01-05, Jan. 2006)

10-312. Change of ownership. (1) 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 division of animal control with the name, address, and telephone number of the new owner.

(2) The previous owner shall notify the new owner of the dog's designation as a vicious dog and, if the new owner resides within the city limits, of the requirements and conditions for keeping a vicious dog set forth in § 10-306.

(3) If the new owner resides within the city limits, the new owner must obtain the required enclosure prior to the acquisition of the vicious dog or confine the dog indoors.

(4) The new owner must fully comply with the provisions of this article, including obtaining liability insurance, prior to the acquisition of the vicious dog. (as added by Ord. #06-01-05, Jan. 2006)

10-313. Dog fighting. (1) 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.

(2) No person shall permit a dog fight to take place upon their premises or premises within their control.

(3) No person shall knowingly be a spectator at a dog fight.

(4) Any dog found on the premises of the dog fight or in the immediate vicinity shall be impounded.

(5) A conviction under this section shall not relieve a person from prosecution for cruelty to animals under § 10-110. (as added by Ord. #06-01-05, Jan. 2006)

10-314. Right of entry. It shall be the duty and authority of the chief of police or his authorized representative to enter onto any premises, public or private, to make inspections for the purpose of carrying out the provisions of this chapter. (as added by Ord. #06-01-05, Jan. 2006)

CHAPTER 4

DOMESTIC ANIMALS/PETS

SECTION

- 10-401. Application.
- 10-402. Restrictions on number of pets.
- 10-403. Permits.
- 10-404. Prohibition.
- 10-405. Exception.
- 10-406. Zoning.

10-401. Application. The provisions of title 10, chapter 4, §§ 10-401 to 10-405 shall apply only to domestic animal pets. (as added by Ord. #2014-5-15, May 2014)

10-402. Restrictions on number of pets. No owner or caretaker of any residential building shall knowingly allow any pets over the age of four (4) months to be kept, harbored or maintained within any residential building or on any residential lot or parcel of property in the city without a permit, except as herein below specified and provided.

Maximum Number of Pets Allowed	Lot of Parcel Size
3	One-quarter (1/4) acre or less
4	Exceeding one-quarter acre up to, and including, one-half (1/2) acre
5	Exceeding one-half (1/2) acre up to, and including, three-quarter (3/4) acre
6	Exceeding three-quarter (3/4) acre up to, and including, one (1) acre
8	Exceeding one (1) acre up to, and including, two (2) acres
10	Exceeding two (2) acres up to and including three (3) acres

(as added by Ord. #2014-5-15, May 2014)

10-403. Permits. Any owner or caretaker of any residential building desiring to keep, harbor or maintain more pets than allowed in § 10-402 shall file a written application therefor upon a form provided by the animal control

officer, which application shall state the name, address and telephone number of the owner or caretaker, the size of the lot or parcel of property, the number and kind of pets desired to be kept, and a short statement of the reason(s) for the request.

The animal control officer shall review the information supplied by the owner or caretaker and inspect the residential building and/or lot or parcel of property after which he shall reasonably ascertain if any pets over the maximum number of pets herein provided should be allowed, and if he determines the same should be allowed, he shall decide how many pets will be allowed, and issue a permit therefor.

Any permit issued hereunder shall specify any restrictions, limitations, conditions or prohibitions which the animal control officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety.

Any permit issued hereunder may be modified from time to time or revoked by the animal control officer for failure to conform to the restrictions, limitations, conditions or prohibitions therein contained. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the owner or caretaker keeping, harboring or maintaining such pets. The fee for such permit shall be twenty-five dollars (\$25.00) which shall be paid at the time of the making of the application therefor. (as added by Ord. #2014-5-15, May 2014)

10-404. Prohibition. No owner or caretaker of a domesticated animal pet shall be allowed to keep, harbor or maintain such animal inside a building or upon a lot or parcel of property which is not residential except as otherwise provided in title 10. (as added by Ord. #2014-5-15, May 2014)

10-405. Exception. The provisions of this chapter do not apply to fish, amphibians, reptiles and birds which would be considered domestic animal pets and which are kept inside the building in an appropriate self-contained enclosure. (as added by Ord. #2014-5-15, May 2014)

10-406. Zoning. The provisions of this chapter are set forth for residential structures in R-1, R-2, and R-3 set alone on three (3) acres or less; or within residential neighborhoods and or subdivisions. This provision does not pertain to A-1 Zoning or farm lands outside of residential neighborhoods and or subdivisions zoned within the R-1, R-2 or R3 areas that have a historical basis as being used as farm land or agricultural use.

The wording in this section has been based to ensure that we do not cause any changes to those citizens that raise cattle etc. on land that is located in R-1, R-2 and R-3 zoning areas that have a historical basis of farmland usage or agricultural usage. (as added by Ord. #2014-5-15, May 2014)

CHAPTER 5

WILD OR EXOTIC ANIMALS

SECTION

10-501. Prohibited.

10-502. Definition.

10-501. Prohibited. No person shall keep or be permitted to keep on his premises any wild or exotic animal(s) for any purpose or reason whatsoever. (as added by Ord. #2014-5-15, May 2014)

10-502. Definition. The following definition shall apply in the interpretation and enforcement of this chapter unless it is apparent from the context that a different meaning is intended:

"Wild or exotic animal" shall mean any animal which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. Such animals are further defined as being this mammals or venomous reptiles, excluding non-poisonous snakes, weighing over fifty (50) pounds at maturity which are known at law a "ferae naturae." By way of example, such animals include but are not limited to any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, bear, deep, elephant, ostriches, sharks, and poisonous animal or reptile, or warm blooded animal, poisonous snake or tarantula which can normally be found in the wild state, or any other member of crocodilian, including, but not limited to, alligators, crocodiles, caimans, and gavials. Wild or exotic animals specifically do not include domestic animals, animal of species customarily used in the State of Tennessee as ordinary household pets, or animals of species customarily used in the State of Tennessee as livestock. (as added by Ord. #2014-5-15, May 2014)

CHAPTER 6

CHICKENS

SECTION

10-601. Compliance

10-602. Violation.

10-601. Compliance. No owner, lessee or tenant of any property, located within the town shall keep chicken(s) except under the conditions set forth in the provisions of this ordinance.

(1) It shall be unlawful for any person owning or controlling any chickens

(2) To run at large within the corporate limits of the town.

(3) No chicken(s) shall be kept in such a place or condition as to become a nuisance either because of noise, odor or other reason.

(4) No chicken shall be kept within a distance of one hundred (100) linear feet of all neighboring pools, patios, residences and/or places of business within the city.

(5) The structure, pen or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition and free from all objectionable odors.

(6) The maximum number of chickens allowed six (6) hens and one (1) rooster.

(7) The composting of chicken manure is prohibited.

(8) An annual permit is required to keep chickens. The annual permit application will include the signatures from each adjacent neighbor and/or business. A permit will be issued if the applicant has demonstrated compliance with the criteria and standards in this ordinance.

(9) Existing chicken owners will be given ninety (90) days to obtain permits.

(10) After the first partial year, permits will expire on June 30th of each year. (as added by Ord. #2016-12-15, Dec. 2016 *Ch3_2-7-19*, and replaced by Ord. #2018-02-15B, Feb. 2018 *Ch3_2-7-19*)

10-602. Violation. Failure to comply with the requirements of this ordinance will result in the following actions:

(1) A warning will be issued for the first offense with fifteen (15) days allowed to bring the offense into compliance.

(2) A citation to court will be issued for the second offense.

(3) A permanent revocation for the third offense. (as added by Ord. #2016-12-15, Dec. 2016 *Ch3_2-7-19*, and replaced by Ord. #2018-02-15B, Feb. 2018 *Ch3_2-7-19*)