

**TITLE 10****ANIMAL CONTROL**<sup>1</sup>**CHAPTER**

1. ANIMALS AND FOWLS IN GENERAL.
2. DOGS AND CATS.
3. MUNICIPAL DOG PARK.

**CHAPTER 1****ANIMALS AND FOWLS IN GENERAL****SECTION**

- 10-101. Livestock at large prohibited.
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**10-101. Livestock at large prohibited.** It shall be unlawful for any person owning or controlling any cattle, horses, mules, sheep, goats or hogs to allow such animals to run at large in the streets or on any unenclosed lots in the city. (2007 Code, § 10-101)

**10-102. Dangerous, mischievous animals at large prohibited.** It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such animal to run at large in the city. (2007 Code, § 10-102)

**10-103. Fowl running at large.** It shall be unlawful for the owner of any chicken or other fowl to permit it to run at large or upon the premises of any other person in the city. (2007 Code, § 10-103)

**10-104. Keeping or possessing swine or goats.** (1) It shall be unlawful for any person to keep or possess swine within the city; provided

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<sup>1</sup>Wherever this title mentions dogs it pertains to dog and cats.

however, that where any person owns or has leased a tract of land containing two (2) contiguous acres or more within the city, such person may keep or possess swine on such property, consistent with any city ordinances prohibiting public nuisances.

(2) Effective June 17, 2005, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns, has leased or has the permission of a contiguous landowner so that a contiguous one (1) acre of land within the city is provided thereby, such person may keep or possess goats on such property, consistent with any city ordinances prohibiting public nuisances.

Effective June 17, 2008, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns, has leased or has the permission of a contiguous landowner so that a contiguous one (1) acre of land within the city is provided thereby, such person may keep or possess no more than sixteen (16) goats on such property. If a person keeps goats on a tract of land he owns or has leased in the city containing two (2) contiguous acres or more, the limit established by this paragraph is inapplicable, consistent with any city ordinances prohibiting public nuisances.

Effective June 17, 2011, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns, has leased or has the permission of a contiguous landowner so that a contiguous one (1) acre of land within the city is provided thereby, such person may keep or possess no more than eight (8) goats on such property. If a person keeps goats on a tract of land he owns or has leased in the city containing two (2) contiguous acres or more, the limit established by this paragraph is inapplicable, consistent with any city ordinances prohibiting public nuisances.

Effective June 17, 2014, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns or has leased a tract of land containing two (2) contiguous acres or more within the city, such person may keep or possess goats on such property, consistent with any city ordinances prohibiting public nuisances.

(3) The land in question for the application of subsections (1) or (2) above must otherwise be appropriately zoned for the raising of livestock. (2007 Code, § 10-104)

**10-105. Unhealthy and offensive conditions.** Any person owning or controlling any animal or fowl shall keep his property free of any unhealthy or unsanitary conditions or any offensive odors. (2007 Code, § 10-105)

**10-106. Noisy animals and fowl prohibited.** No person shall own, keep or harbor any animal or fowl which by loud and frequent noise annoys or disturbs the peace of and quiet of any neighborhood. (2007 Code, § 10-106)

**10-107. Storage of food.** All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (2007 Code, § 10-107)

**10-108. 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 in a pound provided or designated by the board of commissioners. 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 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 commissioners.

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 commissioners, to cover the costs of impoundment and maintenance. (2007 Code, § 10-108)

**10-109. Enforcement.** The provisions of this title shall be enforced by animal wardens to be appointed by the city manager, or by police officers of the city, or by the Humane Society of Chattanooga, Hamilton County, Tennessee, under contract with the City of Soddy-Daisy, or by any other agency with which the Board of Commissioners of the City of Soddy-Daisy may contract for the enforcement of the provisions of this chapter. Said agents or such agencies shall have full power to serve summons, citations, and warrants for violations of the provisions of title 10 or to make arrests for offenses in violation of the provisions of this title. (2007 Code, § 10-110)

**10-110. Violations and penalty.** (1) Any person, firm or corporation who shall violate any of the provisions of this chapter shall be punished according to the general penalty provisions of this municipal code of ordinances.

(2) It shall be an affirmative defense to a citation under § 10-104 if the owner/occupier of any real property upon which a violation is deemed to occur establishes by satisfactory evidence that each of the animals at issue have been located on the property for a continuous period of ten (10) years. The defense shall not be deemed established as to each animal which cannot be shown to have been located on the property for such period. (2007 Code, § 10-109, as amended by Ord. #2011-2012-9, March 2012)

## CHAPTER 2

### DOGS AND CATS<sup>1</sup>

#### SECTION

- 10-201. Enforcement of chapter; obstructing enforcement.
- 10-202. Registration required; exception.
- 10-203. Who deemed owner.
- 10-204. License tag.
- 10-205. Registration fees.
- 10-206. Running at large.
- 10-207. Taking possession of, harboring dogs at large.
- 10-208. Vaccination required.
- 10-209. Vaccination prerequisite to license.
- 10-210. Vaccination records required; tags.
- 10-211. Impounding, destruction of violating dogs authorized.
- 10-212. Care while in custody.
- 10-213. Owner of registered dog to be notified of impounding.
- 10-214. Redemption of impounded dogs by owner; fees.
- 10-215. Release to persons not owners.
- 10-216. Disposition of unclaimed dogs.
- 10-217. Detention where rabies suspected.
- 10-218. Disposition of fees.
- 10-219. Female dogs.
- 10-220. Destruction of unfit animals.
- 10-221. Powers of humane societies.
- 10-222. Disposition of vehicles used or loaded in violation of chapter.
- 10-223. Violations and penalty.

**10-201. Enforcement of chapter; obstructing enforcement.** The Hamilton County Humane Society (hereinafter referred to as poundkeeper), the Soddy-Daisy Police Department, codes enforcement official, the city manager or his designee shall enforce the provisions of this chapter and shall have the power to make arrests for the violation thereof. It shall be unlawful for any person to hinder, molest or interfere with the poundkeeper in the performance of his duties hereunder. (2007 Code, § 10-201)

**10-202. Registration required; exception.** The owner of every dog over the age of three (3) months in the city shall register such dog annually with the poundkeeper. The poundkeeper shall state upon each certificate for registration or renewal thereof the sex, breed, age, color and name of the dog,

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together with its markings, if any, the name and address of the owner, and the date of registration. Such registration shall expire one (1) year from the date of issue. After the first day of May each year owners of dogs who have failed to register such animals shall be deemed delinquent.

The provisions of this section shall not apply to nonresidents of the city who are traveling through the city or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs into the city exclusively for show or exhibition purposes. (2007 Code, § 10-202)

**10-203. Who deemed owner.** If any dog is found on the premises of any person for a period of ten (10) days or more, this shall be prima facie evidence that such dog belongs to the occupant of such premises. Any person keeping or harboring a dog for ten (10) consecutive days shall, for the purposes of this chapter, be declared to be the owner thereof and liable for violations of this chapter. (2007 Code, § 10-203)

**10-204. License tag.** The poundkeeper or the City of Soddy-Daisy shall issue a metal license tag for each dog registered as provided herein, marked "Registered, 20\_\_, City of Soddy-Daisy, No. \_\_\_\_." Such tag shall be fastened to the dog's collar and worn by the dog when off the premises of its owner or custodian. It shall be unlawful for any person to use a tag on a dog for which such tag was not issued. (2007 Code, § 10-204)

**10-205. Registration fees.** The owner of each dog registered shall pay to the poundkeeper a registration fee of five dollars (\$5.00), except that no registration fee shall exceed twenty-five dollars (\$25.00) per year. (2007 Code, § 10-205)

**10-206. Running at large.** It shall be unlawful for any person to allow any dog belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go upon the premises of another, or upon any public street or sidewalk or other public property in the city, unless such dog is attended by the owner or his representative or under the control as provided herein, such dog shall not be more than fifty feet (50') away from the owner or representative and immediately responsive to his call. All dogs shall be on a leash whenever in a city park or on other city maintained recreational property and no dogs shall be allowed at any public gathering, which is defined for the purpose of this section as "an assembly of one hundred (100) or more persons on public property." Any dog found running at large in violation of this section and any dog required to be registered found at large unregistered, whether or not in violation of this section, is declared to be a nuisance and liable to seizure and disposal as provided in this chapter. (2007 Code, § 10-206, as amended by Ord. #2011-2012-2, Oct. 2011)

**10-207. Taking possession of, harboring dogs at large.** It shall be unlawful for any person in the city to harbor or keep in his possession or under his control any dog, whether or not tagged and registered, found running at large, except for the purpose of notifying the poundkeeper or the owner and holding such dog until the poundkeeper or owner demands it. Any person taking possession of any dog shall, within twenty-four (24) hours thereafter, notify the poundkeeper or owner of his action and advise him where such dog may be found. (2007 Code, § 10-207)

**10-208. Vaccination required.** Any person who owns, keeps or harbors a dog or cat within the city shall have such dog or cat properly vaccinated or immunized against rabies, and shall, each year, have such dog or cat revaccinated. Any person who obtains an unvaccinated dog or cat shall at once have such dog or cat properly vaccinated against rabies and have such vaccination repeated yearly; provided that, dogs or cats need not be vaccinated before reaching the age of three (3) months; provided, further, that the provisions of this section shall not apply to nonresidents of the city traveling through or temporarily sojourning in the city for a period of not more than thirty (30) days, nor to persons bringing dogs or cats to the city exclusively for show or exhibition purposes; provided, further, that the owner of such dogs or cats shall keep them confined.

No person shall bring a dog or cat into the city for sale, exchange or giving away unless such dog or cat has been vaccinated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog or cat has in his possession a certificate of the person making the vaccination or inoculation; unless such dog or cat is kept confined or on a leash. (2007 Code, § 10-208, modified)

**10-209. Vaccination prerequisite to license.** No dog license required by this chapter shall be issued for any dog or cat unless the owner thereof furnishes a valid certificate that such dog or cat has been vaccinated or immunized against rabies within the previous twelve (12) months. (2007 Code, § 10-209, modified)

**10-210. Vaccination records required; tags.** Any person who vaccinates or revaccinates a dog or cat against rabies shall keep a record of such vaccination or revaccination, which record shall be subject to inspection by the director of health or his representatives, and shall provide the owner of the dog or cat with an approved tag, which shall have thereon, indelible or engraved, the year of vaccination and a number which shall correspond with the number on the record kept by the person vaccinating or revaccinating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat. (2007 Code, § 10-210, modified)

**10-211. Impounding, destruction of violating dogs authorized.**

The poundkeeper shall take up and impound any dog found running at large in violation of this chapter; provided that, if any dog so found is sick, injured or of a vicious nature, the poundkeeper may humanely destroy such dog immediately. If, in the attempt to seize any dog, it becomes impossible to secure it with the hands, the poundkeeper, if convinced that the seizure of the dog is necessary to the public welfare and safety, may destroy it by shooting it; provided he is close enough to the animal to kill it humanely and so far removed from any bystander that no human life may be imperiled by the act. (2007 Code, § 10-211)

**10-212. Care while in custody.** The poundkeeper shall provide clean, comfortable and sanitary quarters for all dogs, keeping males and females and vicious dogs in separate stalls, and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding. (2007 Code, § 10-212)

**10-213. Owner of registered dog to be notified of impounding.** If any dog or cat is seized and as provided in this chapter is registered, the poundkeeper shall give notice by telephone or by registered United States Mail to the address of the owner given on the registration record, within forty-eight (48) hours after the seizure of such dog or cat. (2007 Code, § 10-213)

**10-214. Redemption of impounded dogs by owner; fees.** The owner of a registered dog or cat may claim and redeem it by paying the poundkeeper an impoundment fee as established. The owner of an unregistered dog or cat may claim and redeem it upon payment of the registration fee required by § 10-205 of this code and the impoundment fee. (2007 Code, § 10-214)

**10-215. Release to persons not owners.** An unclaimed dog may be redeemed by a person other than the owner thereof upon payment of the registration fee provided in § 10-205 of this chapter, if such dog is unregistered, and the impoundment fee and board for each day of detention as provided; provided that, such person shall furnish two (2) satisfactory references and sign a written agreement that the dog will be cared for humanely and returned to the pound if the poundkeeper demands. Such person shall also agree that in the event the owner of such dog claims it within a period of thirty (30) days, upon demand of the poundkeeper and the payment by the owner to the poundkeeper for the use and benefit of such person and board for the period that such person has cared for the dog at one dollar (\$1.00) per day, such dog will be returned to the poundkeeper, who shall return it to the owner. Dogs shall not be released to persons other than their owners for any other purpose than to serve as pets or watchdogs. (2007 Code, § 10-215)

**10-216. Disposition of unclaimed dogs.** Any registered dog impounded shall be kept for a period of three (3) days after notice to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of. Any unregistered dog impounded shall be kept for three (3) days and if not claimed or redeemed shall be humanely destroyed or otherwise dispose of. (2007 Code, § 10-216)

**10-217. Detention where rabies suspected.** Every dog which has bitten humans or has been exposed to rabies or which is suspected of having rabies shall be impounded for a period of ten (10) days or more by the poundkeeper, or, at the option of the owner of such dog, shall be detained in a reputable veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog is confined therein. During such confinement the dog shall be under the observation and supervision of the director of health, and it shall be released or humanely destroyed by the poundkeeper after the termination of the observation period according to instructions from the director of health. The director may order the poundkeeper to destroy such dog at any time during the period of observation if evidence is such as to convince the director that the dog has rabies. During the period of observation, the owner of such dog shall be liable for board fees, as provided in § 10-214 of this chapter, if such dog is confined at the pound. (2007 Code, § 10-217)

**10-218. Disposition of fees.** All fees collected under this chapter shall be used for the enforcement of its provisions. (2007 Code, § 10-218)

**10-219. Female dogs.** Every owner of a female dog in season is required to confine the same in such manner as not to attract other dogs for twenty-four (24) days during the time she is in season. (2007 Code, § 10-222)

**10-220. Destruction of unfit animals.** Every animal in the city which is unfit, by reason of its physical condition, for the purposes for which such animals are usually employed or used, when there is no reasonable probability of its ever becoming fit for such purposes, shall be deemed to be a nuisance and shall be deprived of its life by the owner or lawful possessor of such animal within twelve (12) hours after being notified by a police officer or officers of any incorporated society for the prevention of cruelty to animals to kill the same. When any such owner or possessor fails to comply with such an order, upon his conviction, the judgment of the court, in addition to imposing any other penalty provided by law, shall order a police officer or officer of an incorporated society for the prevention of cruelty to animals immediately to kill such animal. (2007 Code, § 10-223)



**10-221. Powers of humane societies.** Any officer, agent or member of any society incorporated for the prevention of cruelty to animals may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, and it shall be unlawful for any person to interfere with or obstruct any such officer, agent or member in the discharge of his duty. The agents of any such society, upon appointment by the president thereof, may make arrests and bring before the city judge persons found violating the provisions of this chapter. (2007 Code, § 10-224)

**10-222. Disposition of vehicles used or loaded in violation of chapter.** When any person is taken into custody by an officer authorized so to do for transporting any animal in a vehicle or other conveyance, or overloading a vehicle drawn by an animal, in a cruel or inhumane manner, such officer may take charge of such vehicle or other conveyance and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the chief of police, who shall thereupon assume the custody thereof. Any such officer may, in lieu of arresting the person in charge of a vehicle overloaded as provided herein, order him to remove therefrom at once so much of the weight as may in his judgment be necessary to relieve the overburdened animal attached thereto. (2007 Code, § 10-225)

**10-223. Violations 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.

## CHAPTER 3

### MUNICIPAL DOG PARK

#### SECTION

- 10-301. Dog parks.
- 10-302. Definitions.
- 10-303. Park operations.
- 10-304. Responsibilities of dog park users.
- 10-305. Children regulations.
- 10-306. Prohibited actions.
- 10-307. Liability.
- 10-308. Enforcement.

**10-301. Dog parks.** There is hereby established within the City of Soddy-Daisy a dog park for the purpose of allowing the off-leash exercise of dogs; provided that such dog is under the control of its owner or an attendant who is competent and knowledgeable relative to the behavior of said dog(s). (Ord. #2010-2011-4, Dec. 2010)

**10-302. Definitions.** (1) "Attendant." A person eighteen (18) years or older who brings a dog to the dog park. Such person is expected to be competent and knowledgeable relative to the behavior of, and have control over, said dog(s) at all times while at or inside the facility.

(2) "Dog park." An enclosed fence facility designated by the City of Soddy-Daisy for the purpose of allowing dogs, under the control of their owner or attendant, to exercise and socialize off-leash.

(3) "Owner." Any person, partnership, or corporation owning, keeping or harboring one (1) or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for seven (7) consecutive days or more. An "owner" is deemed an attendant for the purposes of this chapter.

(4) "Vicious dog." The definition of a "vicious dog," as used in this chapter, shall be:

(a) Any dog with a known history of attacks to people or other domestic animals which, when unleashed in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack, or which behaves in a manner that (in the opinion an investigation of the animal control officer and/or police officer) a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or companion animal.

(b) Any dog owned or harbored primarily or in the past for the purpose of dog fighting or any dog trained for dog fighting.

(c) Exceptions. Notwithstanding anything herein to the contrary, no dog shall be considered a vicious dog:

(i) If a dog has bitten or attacked a person who was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime;

(ii) If another animal or if a child was teasing, tormenting, abusing or assaulting the dog;

(iii) If a domestic animal was injured while the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of its owner, and the injury was to a species or type of domestic animal appropriate to the work of the dog;

(iv) If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or an assault;

(v) If, in performing its duties as a military, correctional or police-owned dog, a dog shall not be considered vicious if the dog attacks or injures a person or domestic animal; or

(vi) If the dog was reacting to pain or injury, or was protecting itself, its kennel or its offspring.

(5) "Visual control." The attendant can see the dog(s) and is within seventy-five feet (75') of the dog(s) at all times.

(6) "Voice control." The attendant is within seventy-five feet (75') of the dog(s), is able to control and recall the dog(s) at all times, and is not allowing the dog(s) to fight with other dogs. A dog under voice control must immediately come to the attendant when so commanded. (Ord. #2010-2011-4, Dec. 2010)

**10-303. Park operations.** The city manager shall have authority to control the dog park and to make reasonable rules for its operation that are consistent with this chapter. The dog park will be operated year-round on a daily basis from sunrise to sunset, unless closed for maintenance or severe weather. (Ord. #2010-2011-4, Dec. 2010)

**10-304. Responsibilities of dog park users.** (1) The attendant must ensure that their dog(s) are legally licensed and have documentation that their dog's vaccinations are up to date.

(2) Current license and vaccination tags must be displayed on the dog's collar.

(3) All dogs shall be free of contagious or infectious diseases, be parasite-free both externally and internally, and have no visible wounds or injuries.

(4) No more than two (2) dogs per attendant are allowed in the dog park.

(5) The attendant of the dog(s) must be inside the enclosed dog park and have visual and voice control of their dog(s) at all times.

- (6) Dogs shall not be left unattended at or inside the facility.
- (7) All dogs must be wearing a collar, however spiked, choke, and gentle-leader style electronic collars are not permitted.
- (8) The attendant of any dog(s) using the facility must have in his possession a leash that must be attached to said dog(s) when outside the facility area.
- (9) The attendant must fill-in any holes dug at the facility by their dog(s).
- (10) The attendant must remove their dog(s) when they become engaged in excessive barking or are fighting with other dogs.
- (11) The attendant of dogs using the facility must use a suitable container to promptly remove any feces deposited by their dog(s) and properly dispose of such waste material in designated receptacles. (Ord. #2010-2011-4, Dec. 2010)

**10-305. Children regulations.** While inside the facility, children six (6) to eighteen (18) years of age shall be accompanied by an adult who is solely responsible for the child's proper behavior and safety. Such children are not permitted to excite or antagonize any dogs using the facility by any means including, but not limited to, shouting, screaming, waving their arms, throwing objects, running at or chasing dogs. Children under six (6) years of age are prohibited from entering the dog park. (Ord. #2010-2011-4, Dec. 2010)

**10-306. Prohibited actions.** To ensure the safety of the dogs and attendants the following are not permitted at the dog park:

- (1) Animals that are not dogs;
- (2) Dogs under the age of four (4) months;
- (3) Female dogs when in heat;
- (4) Dogs deemed to be vicious, or who have a previous history of aggressive behavior toward other animals or humans;
- (5) The use of bicycles, roller blades/skates, skateboards and similar types of exercise equipment;
- (6) Motorized vehicles and devices, except for wheelchairs for the disabled;
- (7) Glass bottles and similar breakable containers;
- (8) Alcoholic beverages;
- (9) Smoking;
- (10) Food of any type, including dog biscuits/treats; and
- (11) Professional dog trainers may not use the facility in conjunction with the operation of their business. (Ord. #2010-2011-4, Dec. 2010)

**10-307. Liability.** Users of the dog park shall comply with all rules and regulations governing the use of the facility. The owner and/or attendant is responsible for and liable for all injuries and damages caused by their dog(s).

Use of the dog park shall constitute the implied consent of the dog owner and/or attendant to all conditions of this chapter and shall constitute a waiver of liability to the City of Soddy-Daisy to the extent allowed by applicable law. As such, users of the dog park agree and undertake to protect, indemnify, defend, and hold the City of Soddy-Daisy harmless for any injury or damage caused by or to their dog(s) during any time that said dog(s) is unleashed at the facility. (Ord. #2010-2011-4, Dec. 2010)

**10-308. Enforcement.** A person found to be in violation of this chapter and/or the dog park rules established by the city manager is subject to removal from the facility and may be prohibited from future use of the dog park. A violation of the provisions of this chapter is unlawful and will be punished in accordance with the general penalty provisions of the municipal code. (Ord. #2010-2011-4, Dec. 2010)