

TITLE 10

ANIMAL CONTROL

CHAPTER

1. DEFINITIONS.
2. IN GENERAL.
3. DOGS AND CATS.
4. MUNICIPAL DOG PARK.

CHAPTER 1

DEFINITIONS

SECTION

- 10-101. Definitions.
10-102. [Deleted.]
10-103. [Deleted.]
10-104. [Deleted.]
10-105. [Deleted.]
10-106. [Deleted.]
10-107. [Deleted.]

10-101. Definitions. Whenever used in this title, the following definitions shall apply:

(1) "Animal." Any live, vertebrate or invertebrate creature, domestic or wild, warm or cold blooded, other than a human being.

(2) "Animal control officer." A person or persons designated by the city manager to carry out the provisions of this chapter including the impoundment of animals.

(3) "Animal shelter." An agency, organization, or premises designated by the city for the purpose of impounding and caring for any animal impounded pursuant to the provisions of this chapter.

(4) "At large." Any animal shall be deemed to be at large when it is off the property of its owner and not under control of a competent person.

(5) "Direct control." Means immediate and continuous physical control of an animal (excluding herding dogs, dogs in the process of hunting, police dogs and dogs participating in organized field competition) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal.

(6) "Director of health." The person in charge of the animal shelter in which the impounded animal is kept.

(7) "Enforcement officer." Police officer, codes enforcement officer, animal control officer, or any other person or persons designated by the city manager.

(8) "Exposed to rabies." An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

(9) "Kennel." An establishment for the breeding, buying, selling, or boarding of dogs or cats.

(10) "Owner." Any person, group of persons, or corporation owning, keeping, or harboring animals.

(11) "Spayed female." Any female dog or cat which has been operated upon to prevent conception.

(12) "Vicious." Any animal that attacks a person by biting or in any manner causing injury or the reasonable likelihood of injury; or, one who repeatedly attacks livestock or other domestic animals. However, this definition shall not apply to any animal that bites, attacks, or attempts to attack any person or animal unlawfully upon the animal owner's premises. (1977 Code, § 3-101, as replaced by Ord. #706, Jan. 2009)

10-102. [Deleted.] (1977 Code, § 3-103, as deleted by Ord. #706, Jan. 2009)

10-103. [Deleted.] (1977 Code, § 3-104, as deleted by Ord. #706, Jan. 2009)

10-104. [Deleted.] (1977 Code, § 3-105, as deleted by Ord. #706, Jan. 2009)

10-105. [Deleted.] (1977 Code, § 3-106, as deleted by Ord. #706, Jan. 2009)

10-106. [Deleted.] (1977 Code, § 3-107, as deleted by Ord. #706, Jan. 2009)

10-107. [Deleted.] (1977 Code, § 3-108, as deleted by Ord. #706, Jan. 2009)

CHAPTER 2

IN GENERAL

SECTION

- 10-201. Complaints of violation.
- 10-202. Interference.
- 10-203. Violations, civil infractions; civil penalties.
- 10-204. Restraint of animals.
- 10-205. Confinement of animals.
- 10-206. Disposing of dead animals.
- 10-207. [Deleted.]
- 10-208. [Deleted.]
- 10-209. [Deleted.]
- 10-210. [Deleted.]
- 10-211. [Deleted.]
- 10-212. [Deleted.]
- 10-213. [Deleted.]
- 10-214. [Deleted.]

10-201. Complaints of violations. Any violations of the provisions of this chapter may be reported to the City of Collegedale by any person or persons observing the violation. For alleged violations under § 10-301 the person or persons making the complaint shall identify themselves to the enforcement officer prior to any action being taken by the city manager or his designee. A record of complaints shall be maintained on file in the Collegedale City Hall by the code enforcement officer. (1977 Code, § 3-101, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-202. Interference. No person shall interfere with, hinder, or molest the enforcement officer in the performance of any duty imposed by this chapter or seek to release any animal in the custody of the animal control officer except as herein provided. (1977 Code, § 3-103, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-203. Violations, civil infractions; civil penalties. (1) Any violation of this chapter is a civil infraction.

(2) Any person who has committed an act in violation of this chapter may receive a citation from the City of Collegedale:

- (a) From an enforcement officer who based on personal observation has probable cause to believe that the person has committed a civil infraction; or

(b) By enforcement officer or by direct complaint by a citizen who has personally observed the civil infraction in violation of this chapter.

(3) The Collegedale Municipal Court shall have jurisdiction over all violations of this chapter occurring within the City of Collegedale.

(4) Any violation of this chapter may be punishable by a civil penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day that any section of this chapter is violated shall constitute a separate punishable offense.

(5) Any person issued an animal control ordinance citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation.

(6) If a person fails to appear in court to defend or prosecute the citation, such person shall be deemed to have waived their right to contest or prosecute the citation and in such a case a default judgment may be entered and the judge shall dismiss the citation or impose a civil penalty at that time, as the case may be. An order to show cause may be issued. If the civil penalty is paid, the case shall be dismissed. If the civil penalty is not paid, judgment may be entered upon to the maximum civil penalty. (1977 Code, § 3-104, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-204. Restraint of animals. It shall be the duty of the of the owner of any animal or anyone having an animal in his care, custody or possession to keep said animal under control at all times while the animal is off of the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed "under control" when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located. (1977 Code, § 3-105, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-205. Confinement of animals. (1) Pen or enclosure to be kept clean. When animals are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any animal.

(2) Adequate food, water, and shelter, etc., to be provided. No animal 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.

(3) Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the enforcement 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 is being kept in violation of this chapter. (1977 Code, § 3-106, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-206. Disposal of dead animals. It shall be unlawful for any person to leave or place the carcass of any animal which he owns upon any street, alley or lot or to allow the animal to remain on his property. Within twenty-four (24) hours after he has learned of its death, the owner shall have it buried in a pet cemetery, bury it at least three feet (3') beneath the surface of the ground and not closer than three hundred feet (300') to any flowing stream or public body of water, or otherwise have it removed from his property and legally disposed of. (1977 Code, § 3-107, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-207. [Deleted.] (1977 Code, § 3-108, as repealed and replaced by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-208. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-209. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-210. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-211. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-212. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-213. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-214. [Deleted.] (as added by Ord. #685, Jan. 2008, and deleted by Ord. #706, Jan. 2009)

CHAPTER 3

DOGS AND CATS

SECTION

- 10-301. Dogs becoming a nuisance.
- 10-302. Confinement of certain dogs.
- 10-303. Vaccination, rabies tags.
- 10-304. Impounding, destruction of violating dogs or cats authorized.
- 10-305. Detention where rabies suspected.
- 10-306. Owner of inoculated dog or cat to be notified of impounding.
- 10-307. Care while in custody.
- 10-308. Redemption of impounded dogs or cats by owner; fees.
- 10-309. Disposition of unclaimed dogs or cats.

10-301. Dogs becoming a nuisance. It shall be unlawful for any person to own, keep, possess or maintain any dog in such a manner so as to constitute a public nuisance as provided in this chapter. The following acts or actions by an owner or possessor of any dog are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control any dog as required by § 10-302.

(2) Maintaining a vicious dog other than in a manner as described in § 10-303.

(3) Maintaining any dog that is diseased and/or dangerous to the public health.

(4) Failure to confine a female dog while in heat in such a manner as described in § 10-303.

(5) Allowing or permitting any dog to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.

(6) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, location, or condition of the dogs on the property.

(7) Allowing any dog to habitually bark, whine, or howl in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises. For the purposes of this section "habitually" shall mean continuously for a period of ten (10) minutes, or intermittently for one-half (1 1/2) hour or more. (as added by Ord. #706, Jan. 2009)

10-302. Confinement of certain dogs. (1) The owner shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog, and shall

not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(2) Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another dog except for intentional breeding purposes. (as added by Ord. #706, Jan. 2009)

10-303. Vaccination, rabies tags. It shall be unlawful for any person to own, keep or harbor any dog or cat which has not been vaccinated against rabies in accordance with Tennessee Code Annotated, §§ 68-8-104, 68-8-107, and 68-8-108. Every dog or cat owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the animal vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. Nothing in this section shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase. (as added by Ord. #706, Jan. 2009)

10-304. Impounding, destruction of violating dogs or cats authorized. The animal control officer shall take up and impound any dog or cat found running at large in violation of this chapter; provided that, if any dog or cat so found is sick, injured or of a vicious nature, the animal control officer may humanely destroy such dog or cat immediately. (as added by Ord. #706, Jan. 2009)

10-305. Detention where rabies suspected. Every dog or cat 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 animal control officer, or at the option of the owner of such dog or cat, 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 or cats confined therein. During such confinement the dog or cat shall be under the observation and supervision of the animal control officer, and it shall be released or humanely destroyed by the animal control officer after the termination of the observation period according to instructions from the director of health. The director may order the animal control officer to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. During the period of observation, the owner of such dog or cat shall be liable for board fees, if such dog or cat is confined at the pound. (as added by Ord. #706, Jan. 2009)

10-306. Owner of inoculated dog or cat to be notified of impounding. If any dog or cat seized as provided in this chapter is inoculated, the animal control officer shall give notice by postcard sent by United States mail to the

address of the owner given on the inoculation record, within twenty-four (24) hours after the seizure of such dog or cat. (as added by Ord. #706, Jan. 2009)

10-307. Care while in custody. The animal control officer shall provide clean, comfortable and sanitary quarters for all dogs and cats, 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. (as added by Ord. #706, Jan. 2009)

10-308. Redemption of impounded dogs or cats by owner; fees. The owner of a inoculated dog or cat may claim and redeem it by paying the animal control officer an impoundment fee of ten dollars (\$10.00) and board for each day after the first forty-eight (48) hours of detention at the rate of five dollars (\$5.00) per day. The owner of an un-inoculated dog or cat may claim and redeem it upon payment of the inoculation fee required and impoundment fee of ten dollars (\$10.00) and board for each day such dog or cat is detained at the rate of five dollars (\$5.00) per day; provided, however, that, upon a second offense the above impoundment fee shall be twenty-five dollars (\$25.00) and upon third and subsequent offenses shall be fifty dollars (\$50.00) in addition to the board of five dollars (\$5.00) per day as set out above. (as added by Ord. #706, Jan. 2009)

10-309. Disposition of unclaimed dogs or cats. Any registered dog or cat 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 or cat impounded shall be kept for three (3) days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of. (as added by Ord. #706, Jan. 2009)

CHAPTER 4

MUNICIPAL DOG PARK

SECTION

- 10-401. Dog parks.
- 10-402. Definitions.
- 10-403. Park operations.
- 10-404. Responsibilities of dog park users.
- 10-405. Children regulations.
- 10-406. Prohibited actions.
- 10-407. Liability.
- 10-408. Enforcement.

10-301. Dog parks. There is hereby established within the City of Collegedale 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). (as added by Ord. #752, Sept. 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 Collegedale 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 and investigation of the animal control officer and/or any 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.

(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. (as added by Ord. #752, Sept. 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. (as added by Ord. #752, Sept. 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. (as added by Ord. #752, Sept. 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. (as added by Ord. #752, Sept. 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.
- (11) Professional dog trainers may not use the facility in conjunction with the operation of their business. (as added by Ord. #752, Sept. 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 Collegedale 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 Collegedale 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. (as added by Ord. #752, Sept. 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. (as added by Ord. #752, Sept. 2010)