

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

1. IN GENERAL.
2. DOGS AND PET ANIMALS.
3. DANGEROUS OR POTENTIALLY DANGEROUS DOGS.

CHAPTER 1**IN GENERAL**¹**SECTION**

- 10-101. Running at large prohibited.
- 10-102. General requirements for keeping.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Seizure and disposition of animals.
- 10-106. Inspections of premises.
- 10-107. Sale or barter of live animals.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1971 Code, § 3-101)

10-102. General requirements for keeping. All persons keeping livestock within the corporate limits must provide at least twelve thousand five hundred (12,500) square feet of pasture for each animal. Furthermore, no person shall keep any animal or fowl enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard

¹Municipal code reference

Animals on sidewalks: § 16-110.

or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1971 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1971 Code, § 3-103)

10-104. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1971 Code, § 3-105)

10-105. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The city shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1971 Code, § 3-107, modified)

10-106. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1971 Code, § 3-108)

10-107. Sale or barter of live animals. (1) It shall be unlawful for any person to willfully sell, display, or offer for sale as part of a commercial transaction or give away a live animal on any street, highway, public right-of-way, commercial parking lot, hotel, motel, or at any outdoor special sale, swap meet, flea market, parking lot sale, or carnival.

(2) A notice describing the charge and the penalty for a violation of this section may be issued by any police officer or code enforcement officer.

(3) This section shall not apply to the following: CARE (Covington Animal Rescue Effort) or authorized rescue group. For purposes of this section, "rescue group" is a not-for-profit entity whose primary purpose is the placement of dogs, cats, or other animals that have been removed from a public animal control agency or shelter, or that have been surrendered or relinquished to the entity by the previous owner. (Ord. #1641, Feb. 2013)

CHAPTER 2

DOGS AND PET ANIMALS

SECTION

- 10-201. Rabies vaccination required and registration required.
- 10-202. Dogs and cats to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Noisy animals prohibited.
- 10-205. Confinement of animals suspected of being rabid.
- 10-206. Seizure and disposition of animals.
- 10-207. Defecating.
- 10-208. Confinement of different animal species.

10-201. Rabies vaccination required and registration required.

It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered with Tipton County Animal Control. The vaccination must be by a licensed veterinarian. (Ord. #1551, March 2006)

10-202. Dogs and cats to wear tags.

It shall be unlawful for any person to own, keep, or harbor any dog and cat which does not wear, attached to its collar, the tag evidencing the vaccination and registration required in the preceding section. (Ord. #1551, March 2006)

10-203. Running at large prohibited.

It shall be unlawful for any person to knowingly permit any animal owned by him or under his control to run at large within the corporate limits. (Ord. #1551, March 2006)

10-204. Noisy animals prohibited.

No person shall own, keep or harbor any animal which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (Ord. #1551, March 2006)

10-205. Confinement of animals suspected of being rabid.

Any person who owns any animal which has bitten any person in the corporate limits of Covington, Tennessee, or any person having such animal in his care or under his control, shall confine such animal in an animal clinic or turn it over to the custodian of the pound maintained by the city. Such animal shall remain confined for a period of ten (10) full days to determine if the animal is rabid. If the animal is determined not to be rabid the owner or custodian shall pay to the city, if confined in the pound, a reasonable fee as set from time to time by ordinance of the board of mayor and aldermen per day for each animal so confined before the animal will be returned. Upon failure of the owner to pay

said fee such animal may be destroyed by the custodian of the pound. If the animal is determined to be rabid, the owner of animal shall pay a reasonable fee as set by ordinance of the board of mayor and aldermen per day while the animal is confined. (Ord. #1551, March 2006, modified)

10-206. Seizure and disposition of animals. Any animal found running at large may be seized by animal control or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said animal is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his animal by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the animal will be humanely destroyed or sold. If said animal is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within (5) days. The owner of the animal shall present a copy of the receipt for rabies vaccination and a copy of a vaccination certificate to a representative of the public works department within one (1) working day of the animal being redeemed.

When because of its viciousness or apparent infection with rabies, an animal found running at large cannot be safely impounded it may be summarily destroyed by animal control or any policeman. (Ord. #1551, March 2006)

10-207. Defecating. An owner or person having custody of any animal shall not permit the animal to defecate on any school ground, public street, alley, sidewalk, park or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of the animal unless such defecation is removed immediately and placed in any solid waste container for collection by the city. (Ord. #1551, March 2006)

10-208. Confinement of different animal species. (1) Dogs must be confined to their owner's property. Permitted methods of confinement include underground fence, a secure vertical enclosure of at least one hundred (100) square feet per dog, or tethering consistent with the following sections. Cats that have been either spayed or neutered are not required to be confined, however this does not release the owner of a cat from being responsible for damage caused by said cat.

(2) The tethering device should not exceed one-eighth (1/8) of the animal's body weight; should not allow the animal to leave the owner's property; should not limit access to food, water, and shelter; should allow the animal to move around so as to be able to urinate and defecate in an area separate from the area where it must eat, drink, or lie down; should be attached to a properly fitting harness or a collar with a buckle; should be at least ten feet (10') in length, have swivels at both ends; should be properly attached to a pulley or

trolley mounted on a cable, which is at least ten feet (10') in length and mounted no less than four feet (4') and no more than ten feet (10') above the ground.

(3) As stated in § 10-304 any animal that has been determined to be potentially dangerous must be confined in a proper enclosure as defined in § 10-301(2).

(4) Adequate food, water, shelter, and health care shall be provided by owners to any animal in their possession.

The City of Covington will make the identification of potentially dangerous or dangerous animals a point of emphasis. (Ord. #1551, March 2006)

CHAPTER 3

DANGEROUS OR POTENTIALLY DANGEROUS DOGS

SECTION

- 10-301. Definitions.
- 10-302. Determination of potentially dangerous or dangerous dog.
- 10-303. Exceptions.
- 10-304. Keeping a potentially dangerous or dangerous dog prohibited.
- 10-305. Enforcement.
- 10-306. Violation/penalties.
- 10-307. Cost to be paid by responsible person.
- 10-308. Reporting of incidents.
- 10-309. Severability.

10-301. Definitions. (1) "At-large." A dog running loose without leash or restraint measures.

(2) "Dangerous dog." Any animal that:

(a) Causes serious injury to a person or domestic animal; or

(b) Has been designated as a potentially dangerous animal and engages in behavior that poses a threat to public safety as described in subsection (5) of this section.

(3) "Impound." Taken into custody of animal control or an organization authorized to enforce the dangerous animal law of this jurisdiction.

(4) "Owner." Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

(5) "Potentially dangerous dog." Any dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(a) Causing an injury to a person or domestic animal that is less severe than a serious injury;

(b) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;

(c) Running at large and impounded or owners cited by animal control two (2) or more times within any twelve (12) month period;

(d) Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

(6) "Proper enclosure." Secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least six feet (6') in width, twelve feet (12') in length, and six feet (6') in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the animal, is suitable to

prevent entry of young children, and is designed to prevent the animal from escaping while on the owner's property. The pen must be constructed of such material and closed in such a manner that the animal cannot exit the enclosure on its own.

(7) "Provocation." Tormenting, abusing, or assaulting any dog.

(8) "Responsible person." A person at least eighteen (18) years old who is familiar with the dog and has the size and experience to be able to keep the animal under complete control at all times.

(9) "Serious injury." Any physical injury that results in broken bones or lacerations that require multiple sutures or cosmetic surgery. (Ord. #1551, March 2006)

10-302. Determination of potentially dangerous or dangerous dog.

The determination of whether a dog is potentially dangerous or dangerous shall be made by the judge presiding in the court of the City of Covington, Tennessee. (Ord. #1551, March 2006)

10-303. Exceptions. No dog shall be declared dangerous or potentially dangerous if:

(1) The animal is used by a law enforcement official for legitimate law enforcement purposes;

(2) The animal is owned or controlled by any circus, carnival or other exhibit or show which keeps such animals for exhibition to the public, provided such animals are securely confined or restrained so as not to endanger human beings.

(3) The animal is owned or controlled by a bona fide, licensed veterinary hospital which keeps such animals for treatment or impoundment.

(4) The threat, injury, or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(b) Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or

(c) Who was committing or attempting to commit a crime; or

(5) The animal was:

(a) Responding to pain or injury, or was protecting itself, its offspring; or

(b) Protecting or defending a human being within the immediate vicinity or the animal from an attack or assault. (Ord. #1551, March 2006)

10-304. Keeping a potentially dangerous or dangerous dog prohibited. It shall be unlawful for any person to harbor or keep any dog that has:

(1) Been determined to be potentially dangerous unless such animal is confined in a proper enclosure as defined by § 10-301(2) or unless the dog is securely attached to a leash not more than four feet (4') in length with the dog and leash being under the control of a responsible person;

(2) Been declared dangerous pursuant to this chapter. (Ord. #1551, March 2006)

10-305. Enforcement. (1) Any person who witnessed or has other personal knowledge that any act made unlawful by this chapter has been committed, or that any dog should be declared potentially dangerous or dangerous, may sign a complaint against the alleged violator or owner of such animal.

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

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

(4) When a complaint or summons has been issued pursuant to subsections (1) or (2) above, or upon motion of an animal owner whose animal has been impounded under subsection (3) above, the city court is empowered to hold hearings or determine whether reasonable grounds exist to believe that a violation has occurred to whether a dog should be declared potentially dangerous or dangerous. Said hearings may be held on an ex parte basis if the court, within its discretion, determines it necessary to protect the public health or safety. After the hearings, if the court finds that reasonable grounds exist, the court is empowered to enter orders, either on its own motion or on the motion of the city, to have the animal in question seized and impounded or to continue the impoundment of the animal, at the owner's expense, until the completion of all legal proceedings.

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

(6) Should the defendant fail to immediately remove the dog from the city as ordered by the court, the city court judge shall find the defendant in contempt and order the immediate confiscation, impoundment and destruction of the animal. (Ord. #1551, March 2006)

10-306. Violation/penalties. Any person violating or permitting the violation of any provision of this chapter shall, upon conviction in the city court, be subject to a fine of up to fifty dollars (\$50.00) for each separate violation. Each day that a violation of this chapter continues shall constitute a separate violation. Each day that a violation of this chapter continues shall constitute a separate offense. (Ord. #1551, March 2006)

10-307. Cost to be paid by responsible person. In addition to the foregoing penalties, all expenses including without limitation, any costs incurred by the City of Covington for shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter shall be charged against the owner, keeper or harbinger of such animal and the owner of the property on which such animal is kept. Payment for such costs shall be collected by the city's recorder-treasurer. (Ord. #1551, March 2006)

10-308. Reporting of incidents. It shall be mandatory, for the owner of the dog and the person bitten, to report all dog bites, whether occurring upon the streets, sidewalks, or any public or private property, to the Covington Police Department. In addition, it shall be mandatory to report any unprovoked attacks and/or any incidents in which animals exhibit threatening or menacing behavior to a person upon the streets, sidewalks or any public or private property. Reports to the police departments shall contain the following:

- (1) The date and location of the incident;
- (2) The name, address, and age of the victim and, if the victim is a minor, the name and address of his or her parent or legal guardian, if known;
- (3) The breed of animal involved or its classification as mixed breed, and a description of the animal;
- (4) The identity of the owner or keeper of the animal, if known; and
- (5) The action taken or ordered by the city court in response to such incident. (Ord. #1551, March 2006)

10-309. Severability. If any provision of title 10, chapter 3, "Dangerous or Potentially Dangerous Dogs," or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of said chapter 3 that can be given effect without the invalid provision or application, and to that end the provisions of chapter 3 are declared to be severable. (Ord. #1551, March 2006)