

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

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

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10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, 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. (1979 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any animal or fowl enumerated in the proceeding section, excluding dogs and cats, to come within three hundred feet (300') of any residence, place of business, or public street, without approval from the board of mayor and alderman. (1979 Code, § 3-102, as replaced by Ord. #9-2015, Aug. 2015)

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. (1979 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water,

shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1979 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1979 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl. (1979 Code, § 3-106, as amended by Ord. #9-2015, Aug. 2015)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the mayor, or authorized representative, and confined in the Claiborne County Animal Shelter. If the owner is known he/she shall be given notice in person, by telephone, or by letter addressed to his/her last known mailing address. If 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. (1979 Code, § 3-107, as replaced by Ord. #9-2015, Aug. 2015)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the mayor, 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. (1979 Code, § 3-108, as amended by Ord. #9-2015, Aug. 2015)

10-109. Violation and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general provision of this code. Each day the violation shall continue shall constitute a separate offense. (as added by Ord. #9-2015, Aug. 2015)

CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs to be securely restrained.

10-205. Noisy dogs prohibited.

10-206. Confinement of dogs suspected of being rabid.

10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1979 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1979 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1979 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1979 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1979 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1979 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large or otherwise being kept in violation of this chapter may be seized by the mayor, or authorized representative, and confined in the Claiborne County Animal Shelter. If the owner is known he/she shall be given notice in person, by telephone, or by letter addressed to his/her last known mailing address. If owner is not known or cannot be located, a notice describing the impounded dog will be posted in at least three (3) public places within the corporate limits.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the mayor, or authorized representative, or any policeman.¹ (1979 Code, § 3-207, as replaced by Ord. #9-2015, Aug. 2015)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

CHAPTER 3

DOG PARKS

SECTION

- 10-301. Dog park, off-leash area.
- 10-302. Requirements.
- 10-303. Rules.
- 10-304. Violations
- 10-305. Implied consent.
- 10-306. Responsibility and liabilities.

10-301. Dog park, off-leash area. The town has the authority to designate areas as dog parks. Dogs are permitted to be off-leash within the confines of any town-owned dog park area without being in violation of the town's leash (animal at large) law provided the provisions of this chapter are followed at all times. (as added by Ord. #3-2016, Sept. 2016 *Ch7_01-07-19*)

10-302. Requirements. It is unlawful for any person to fail to follow the requirements for use of the dog park as set forth below and each and every violation per dog may be treated as a separate offense:

(1) A person shall not bring any animal into the dog park other than a dog. This prohibition is not applicable to a service animal in performance of, or in training for, its duties to provide assistance to a person with disabilities.

(2) Any person who takes a dog(s) into an off-leash area must have physical control of the dog(s) by means of an adequate leash when entering and leaving the off-leash area and must maintain control over the dog(s) at all times while in the off-leash area. Dangerous animals, as defined below, are not permitted to use the off-leash areas.

(a) That, when unprovoked, inflicts severe injury on or kills a human being or domestic animal on public or private property;

(b) Whose owner has been previously found to have committed a civil violation or has been convicted of a crime and whose owner is found to have committed a violation of town code with respect to the behavior of that same animal;

(c) That, under circumstances other than as described in subsection (b) above, has been the subject of one (1) or more findings that its owner has committed a civil violation of §§ 10-104 and 10-106 of the Cumberland Gap Municipal Code or has been convicted of a crime under animal cruelty, whether involving the same or a different owner, whose owner is found to have committed a violation of the Cumberland Gap Municipal Code;

(d) Whose owner has received a written notification alleging behavior that would be in violation of dangerous activity of the Town of

Cumberland Gap issued under the laws of any other city, town, county or state agency within or outside of the State of Tennessee, which animal again engages in behavior that is in violation of the Cumberland Gap Municipal Code.

The breed of a dog shall not be considered in any determination whether a dog is a "dangerous animal" under this section.

(3) A person having charge, custody, care or control of a dog(s) shall not bring a dog in heat into the dog park.

(4) The person having charge, custody, care or control of the dog(s) must remove the dog's pinch or choke collar before entering the dog park.

(5) A person having charge, custody, care or control of the dog shall only bring a dog(s) to the dog park if the dog is healthy and properly vaccinated.

(6) Current proof of rabies vaccination (ex. rabies tag) must be attached to the vaccinated dog's collar at all times, and may be inspected by any town employee or town dog park volunteer at any time while entering, inside, or exiting the dog park.

(7) Puppies younger than four (4) months of age are not allowed within the dog park.

(8) All dogs must be leashed when entering and exiting the dog park, and the person having charge, custody, care or control of the dog(s) must keep the leash in their possession at all times inside the dog park.

(9) The person having charge, custody, care or control of the dog(s) must promptly remove and dispose of any waste deposited by their dog(s). Trash receptacles will be available within the dog park.

(10) The person having charge, custody, care or control of the dog(s) must repair any damage caused by their dog(s) including filling in holes dug by the dog(s).

(11) The person having charge, custody, care of control of the dog(s) must immediately remove the dog(s) if the dog shows signs of aggression toward people or other dogs within the dog park. Biting, fighting, and excessive barking are not allowed.

(12) The person having charge, custody, care or control of the dog(s) is liable for any injury inflicted by their dog(s).

(13) Weapons are not permitted within the dog park.

(14) Dogs may not be left in the dog park unattended. (as added by Ord. #3-2016, Sept. 2016 *Ch7_01-07-19*)

10-303. Rules. In addition to the requirements set forth in this chapter, the town has the authority to establish and post rules and regulations pertaining to use of the dog park. Dog park rules will be posted at the main entrance to the dog park and must be followed. (as added by Ord. #3-2016, Sept. 2016 *Ch7_01-07-19*)

10-304. Violations. A person in violation of the requirements set forth in this chapter and/or the posted rules for the dog park may be banned from the dog park for a designated or indefinite time period. In addition, a person in violation of the requirements of this chapter may be subject to the following penalties:

(1) First violation. Imposition of a monetary penalty of fifty dollars (\$50.00).

(2) Second violation. Imposition of a monetary penalty of one hundred dollars (\$100.00).

(3) Third violation. Imposition of a monetary penalty of one hundred twenty five dollars (\$125.00).

(4) Subsequent violation. Imposition of a monetary penalty of one hundred fifty dollars (\$150.00). (as added by Ord. #3-2016, Sept. 2016 *Ch7_01-07-19*)

10-305. Implied consent. Use of the dog park shall constitute implied consent of the owner and any person having charge, custody, care or control of the dog(s) to strictly follow the requirements and rules set forth in this chapter, and shall constitute a waiver of liability to the town, its officials, officers, and employees, an assumption of all risks, and an agreement and undertaking to protect, indemnify, defend and hold harmless the town, its officials, officers, and employees for any injury or damage to persons or property during any time that the dog is in the dog(s) park. (as added by Ord. #3-2016, Sept. 2016 *Ch7_01-07-19*)

10-306. Responsibility and liability. The provisions of this chapter do not relieve the owner or person having charge, custody, care, or control of a dog(s) from the responsibility to maintain proper control over the dog(s) nor shall the provisions of this chapter be construed to relieve such person from any liability for any damages arising out of his or her use of the dog park. (as added by Ord. #3-2016, Sept. 2016 *Ch7_01-07-19*)