

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOMESTIC ANIMAL PETS.
3. DANGEROUS OR VICIOUS ANIMALS.
4. WILD OR EXOTIC ANIMALS.
5. RABIES AND DISEASE.
6. ENFORCEMENT.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Definitions.
- 10-102. Animal control officer.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc. to be provided.
- 10-105. Keeping such as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Running at large prohibited.

10-101. Definitions. For the purposes of title 10, the following words and phrases shall have the meanings respectively hereinbelow ascribed to them:

(1) "Animal" shall mean any live vertebrate creature, domestic or wild, including birds, fish and reptiles, and excluding human beings.

(2) "Pet" shall mean any animal kept for pleasure rather than utility.

(3) "Domestic animal" shall mean any tame animal bred in captivity and which has never known the wild, or any other animal which is not hereinbelow defined as a wild or exotic animal.

(4) "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 those mammals or non-venomous reptiles, excluding non-poisonous snakes, weighing over fifty (50) pounds at maturity which are known at law as "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, deer, elephants, ostriches, sharks, any poisonous animal, fish or reptile, or any other 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, animals of a species customarily used in the State of Tennessee as ordinary household pets, or animals of a species customarily used in the State of Tennessee as domestic farm animals, fish confined in an aquarium.

(5) "Dangerous or vicious animal" shall mean and include:

(a) Any domestic animal which attacks a human being or domestic animal without provocation; or

(b) Any domestic animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise reasonably endanger the safety of humans or other domestic animals; or

(c) Any dog known by the owner to be a pit bull terrier, which is defined as any American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding any of the characteristics of the aforementioned breed so as to be identifiable as partially of any or all of these aforementioned breeds.

(d) Any domestic animal declared by the animal control officer to be a dangerous or vicious animal, as defined herein, or any animal determined to be a dangerous or vicious animal under the authority of title 10, chapter 6, section 10-602 of this code.

10-102. Animal control officer. The position of animal control officer is hereby created, and said individual shall be appointed by the mayor. The animal control officer shall be considered an employee of the street and sanitation department and under the direct supervision of the supervisor of said department. This position, together with any operating expenses, shall be budgeted separately from the street and sanitation department budgets. The animal control officer shall enforce the provisions of title 10 of this code, and is hereby granted all powers, duties and responsibilities contained therein for this purpose.

10-103. Pen or enclosure to be kept clean. When any animal is kept within the corporate limits, the building, structure, corral, pen, or enclosure in which it is kept shall at all times be maintained in a clean and sanitary condition.

10-104. 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.

10-105. Keeping such as to become a nuisance prohibited. It shall be unlawful for any owner or caretaker to keep, harbour or maintain an animal in such a place or condition as to become a nuisance because of either odor, contagious disease, dangerous or vicious disposition, or other reason.

It shall also be unlawful for any owner or caretaker to keep, harbour or maintain any animal which, by loud and frequent production of sound unreasonably disturbs the peace, quiet or repose of a person or persons of ordinary sensibility, provided the provisions of this section shall not apply to duly authorized hospitals or clinics conducted for the treatment of animals.

10-106. Cruel treatment prohibited. It shall be unlawful for any person to kill, injure or otherwise abuse any animal within the corporate limits unless it be in defense of himself or another person. This section shall not apply to veterinarians, the animal control officer, or police officers if they are acting with the scope and course of their employment. The animal control officer, or any person under his direct supervision, may use tranquilizing equipment in capturing or controlling a dangerous, vicious or rabid animal or any animal which cannot otherwise be captured or controlled.

10-107. Running at large prohibited. It shall be unlawful for any owner or caretaker of an animal to wilfully, knowingly or negligently allow such animal to run at large in any street, alley, or unenclosed lot within the corporate limits.

CHAPTER 2

DOMESTIC ANIMAL PETS

SECTION

- 10-201. Application.
 10-202. Restriction on number of pets.
 10-203. Permits.
 10-204. Prohibition.
 10-205. Exception.

10-201. Application. The provisions of title 10, chapter 2, sections 10-201 - 10-205 shall apply only to domestic animal pets.

10-202. Restriction 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, harboured or maintained within any residential building or on any residential lot or parcel of property in the city without a permit, except as hereinbelow specified and provided.

<u>Maximum Number of Pets Allowed</u>	<u>Lot of Parcel Size</u>
3	One-quarter (1/4) acre or less
4	Exceeding one-quarter (1/4) 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

10-203. Permits. Any owner or caretaker of any residential building desiring to keep, harbour or maintain more pets than allowed in section 10-202 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, harbouring 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.

10-204. Prohibition. No owner or caretaker of a domesticated animal pet shall be allowed to keep, harbour 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.

10-205. 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.

CHAPTER 3

DANGEROUS OR VICIOUS ANIMALS

SECTION

10-301. Dangerous or vicious animals to be confined.

10-302. Restraint in public.

10-303. Causing animal to be dangerous or vicious.

10-304. Exception.

10-301. Dangerous or vicious animals to be confined. No owner or caretaker of a dangerous or vicious animal shall suffer or permit such animal to go unconfined on the premises of such person. A dangerous or vicious animal is "unconfined" as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the animal so confined upon the premises of said person. An "enclosure" is secure within the meaning of this section if it is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; and, where no slab floor is provided, the sides must be embedded into the ground no less than one foot; and, all access points of the enclosure must be locked when the animal is confined therein.

10-302. Restraint in public. No owner or caretaker of a dangerous or vicious animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not be muzzled while being transported to or from or during such competition.

10-303. Causing animal to be dangerous or vicious. No person shall own, keep, harbour or maintain any animal for the purpose of fighting, or train, torment, badger or use any animal for the purpose of causing or encouraging such animal to commit unprovoked attacks upon human beings or domestic animals.

10-304. Exception. Dogs owned and controlled by local, state and federal law enforcement agencies which are used in law enforcement or related activities are exempt from the provisions of this chapter while engaged in such activities.

The enclosure requirement of section 10-301 of this chapter shall not apply to non-residential buildings or lots or parcels of property upon which are

housed guard dogs during the hours when such buildings or lots or parcels of property are not open to the general public; however, any such guard dog shall still be confined in an enclosure constructed in such a fashion as to make it impossible for the dog to escape the premises unless released by a person who is entering the premises without authorization during such non-public hours.

CHAPTER 4

WILD OR EXOTIC ANIMALS

SECTION

10-401. Prohibition.

10-402. Exception.

10-403. Notice required at place of sale.

10-401. Prohibition. No person shall keep or permit to be kept on his premises any wild or exotic animal for any purpose or reason whatsoever, except as otherwise permitted hereinbelow.

10-402. Exception. The provisions of section 10-402 shall not apply to properly licensed and lawfully operated and located pet shops, menageries, zoological gardens, scientific research laboratories, circuses, animal exhibitions, or veterinary clinics, provided that the animal is maintained in quarters so constructed and maintained as to prevent escape, and the exempt person, business, organization or entity complies with all applicable federal, state and local laws, rules and regulations for the care and maintenance of such animal. Further, in no case shall such animal be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animal. This prohibition shall not apply to the riding of elephants by persons other than the elephants' handlers while under the direct supervision of the elephants' handlers where such elephants are performing in zoological parks, animal exhibitions or circuses.

10-403. Notice required at place of sale. Any person who offers for sale a wild or exotic animal as defined in chapter 1, section 10-101 (4) of this title shall post conspicuously at the place of sale or display the following notice:

"No person may lawfully keep or permit to be kept within the corporate limits of the City of Harriman, Tennessee, any live wild or exotic animal, which 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 those mammals or non-venomous reptiles, excluding non-poisonous snakes, weighing over fifty (50) pounds at maturity which are known at law as "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, deer, elephants, ostriches, sharks, any poisonous animal, fish or reptile, or any other 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."

CHAPTER 5

RABIES AND DISEASE

SECTION

10-501. Rabies vaccination and registration required.

10-502. Animal to wear tags.

10-503. Confinement of animal suspected of being rabid or diseased.

10-501. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any animal requiring a rabies vaccination without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-115) or other applicable law.

10-502. Animal to wear tags. It shall be unlawful for any person to own, keep, or harbor any animal requiring a rabies vaccination which does not wear a tag evidencing the vaccination and registration required by the preceding section.

10-503. Confinement of animal suspected of being rabid or diseased. If any animal has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies or other disease, the animal control officer shall cause such animal to be confined or isolated for such time as he deems reasonably necessary to determine if such animal or fowl is rabid or diseased.

CHAPTER 6

ENFORCEMENT

SECTION

10-601. Disposition of animal running at large.

10-602. Disposition of dangerous, vicious or infected animal.

10-603. Penalties.

10-604. Applicability.

10-601. Disposition of animal running at large. Any animal found running at large may be seized by any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer and placed in the city pound. If the animal is wearing a tag the owner or caretaker shall be notified in person or by telephone, if possible, and by the mailing of written notice thereof by certified mail to the owner's or caretaker's last known mailing address to appear within five (5) days and redeem his animal. If the animal is not wearing a tag and its owner or caretaker cannot be reasonably determined, a notice describing the impounded animal 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 must be claimed within five (5) days by paying the pound fees or the same will be sold or humanely destroyed. If not legally claimed by the owner, the animal shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. No animal shall be released in any event from the pound unless or until such animal has been vaccinated as provided by law and had a tag evidencing such vaccination placed on its collar.

The animal control officer shall collect from each person claiming an impounded animal reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment, maintenance, upkeep and vaccination of the animal.

10-602. Disposition of dangerous, vicious or infected animal. Any dangerous, vicious, rabid, diseased or otherwise infected animal found running at large, and which can be safely impounded, shall be seized by any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer and placed in the city pound or a veterinary clinic.

If the impounded animal is wearing a tag the owner or caretaker shall be notified in person or by telephone, if possible, and by the mailing of written notice thereof by certified mail to the owner's or caretaker's last known mailing address of such impoundment, the reasons therefor, and the conditions, restrictions and limitations under which the owner or caretaker may redeem his animal. If the animal is not wearing a tag and its owner or caretaker cannot be

reasonably determined, a notice describing the impounded animal will be posted in at least three (3) public places within the corporate limits describing thereon the conditions, restrictions and limitations under which the owner or caretaker may redeem his animal. The notice herein described shall also inform the owner of when and where the animal may be redeemed, and the animal must be claimed at the time and place provided by paying the pound and/or veterinary fees of the same will be sold or humanely destroyed. If not legally claimed by the owner, the animal shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. No animal shall be released in any event from the pound unless or until such animal has been vaccinated as provided by law and had a tag evidencing such vaccination placed on its collar.

If, in the judgement of the animal control officer the animal should not be returned to the owner or caretaker thereof because the risk of returning the animal would create an unreasonable risk of harm or injury to a human being, any domestic animal or the animal itself, he shall notify the owner or caretaker thereof in the same manner as the other notifications required in this section, and he shall give the owner or caretaker no more than five (5) days in which to take the appropriate steps to alleviate said risk or the animal will be destroyed. If the owner or caretaker does not take the appropriate steps to alleviate the risk identified by the officer within the time prescribed, then the animal shall be humanely destroyed.

When, due to its dangerousness, viciousness or apparent infection with rabies or other disease, an animal found running at large cannot be safely impounded it may be summarily destroyed by any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer.

Any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer is authorized to seize and impound, and the animal control officer is authorized to order the humane destruction or other disposition, of any animal which:

- (1) Has bitten one or more persons on two (2) or more occasions, or
- (2) Has caused serious bodily injury or disfigurement to any person,

or

- (3) Has killed any person, or
- (4) Has caused serious bodily injury or disfigurement to any domestic

animal.

Any animal which has taken any of the actions enumerated in (1) - (4) of this section is hereby determined to be a dangerous or vicious animal.

10-603. Penalties. Any person who violates any of the provisions of title 10, and is found guilty thereof shall be fined not more than one hundred dollars (\$100.00). Each day the violation continues shall be treated as a separate offense.

10-604. Applicability. The provisions of title 10 shall not apply to properly licensed and lawfully operated and located pet shops, menageries, zoological gardens, scientific research laboratories, circuses, animal exhibitions, or veterinary clinics, provided that the animal is maintained in quarters so constructed and maintained as to prevent escape, and the exempt person, business, organization or entity complies with all applicable federal, state and local laws, rules and regulations for the care and maintenance of such animal. However, such exempt person, business, organization or entity as herein enumerated shall be subject to any additional requirements imposed in title 10 upon said exempt person, business, organization or entity.