

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

1. IN GENERAL.
2. DOGS.
3. VICIOUS DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Storage of food.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Inspections of premises.
- 10-108. Keeping of hogs.
- 10-109. Animal adoption.

**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. (1982 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** 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 or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1982 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. (1982 Code, § 3-104)

**10-104. Storage of food.** All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1982 Code, § 3-105, modified)

**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. (1982 Code, § 3-106)

**10-106. 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 city council. 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 city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1982 Code, § 3-108)

**10-107. 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. (1982 Code, § 3-109)

**10-108. Keeping of hogs.** It shall be unlawful for anyone to keep hogs within the city limits. (1982 Code, § 3-103)

**10-109. Animal adoption.** (1) Each person adopting an animal in the city's possession shall sign an agreement to obtain veterinary services in the form attached hereto.<sup>1</sup>

(2) The agreement shall be secured by a deposit of twenty-five dollars (\$25.00).

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<sup>1</sup>Animal adoption agreement form is available in the office of the city recorder.

(3) It shall be unlawful to violate such agreements and same may be penalized by a fine of fifty dollars (\$50.00), and/or a petition for injunctive relief. (Ord. #545, April 2001)

## CHAPTER 2

### DOGS<sup>1</sup>

#### 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. (1982 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. (1982 Code, § 3-202)

**10-203. Running at large prohibited.** 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. (1982 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. (1982 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. (1982 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

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<sup>1</sup>Municipal code reference

Vicious dogs: title 10, chapter 3.

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. (1982 Code, § 3-206)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the city council. If said dog 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 dog by paying a reasonable pound fee, in accordance with a schedule approved by the city council, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

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 health officer or any policeman.<sup>1</sup> (1982 Code, § 3-207)

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<sup>1</sup>State 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

### VICIOUS DOGS

#### SECTION

- 10-301. Definitions.
- 10-302. Confinement.
- 10-303. Leash and muzzle.
- 10-304. Signs.
- 10-305. Insurance.
- 10-306. Animal control officer.
- 10-307. Impoundment and destruction.
- 10-308. Notice of impoundment.
- 10-309. Hearing on impoundment/destruction.
- 10-310. Penalties.

**10-301. Definitions.** (1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care of custody of a dog.

(2) "Vicious dog" means:

(1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or

(3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(4) Any dog owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting.

(3) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides, which shall be made of eleven (11) gauge wire, or stronger and inspected and approved by the animal control officer or the codes inspector. If the pen or structures has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (Ord. #603, April 2006, modified)

**10-302. Confinement.** The owner of a vicious dog shall not permit the dog to go unconfined. (Ord. #603, April 2006)

**10-303. Leash and muzzle.** The owner of a vicious dog shall not permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (Ord. #603, April 2006)

**10-304. Signs.** The owner or other persons in control of the premises upon which a vicious dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day. A similar sign is required to be posted on the pen or kennel of the animal. (Ord. #603, April 2006)

**10-305. Insurance.** Owners of vicious dogs must provide proof to the city recorder of liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog. (Ord. #603, April 2006)

**10-306. Animal control officer.** The animal control officer of the City of Hohenwald shall have the authority to enforce this chapter without a warrant if he observes a violation occurring in his presence. He shall also have the authority to impound animals as authorized in the municipal code. (Ord. #603, April 2006)

**10-307. Impoundment and destruction.** The Hohenwald City Judge may order the impoundment and destruction of a dog where:

(1) The dog has attacked, bitten or injured a human being or domestic animal; or

(2) The dog is a vicious dog as defined herein and the owner has failed to comply with the requirements and conditions for keeping vicious dog as defined herein; or

(3) All fines or costs imposed under this chapter have become final orders, and remain unpaid; or

(4) The dog poses a threat of serious harm to the public health or safety. (Ord. #603, April 2006)

**10-308. Notice of impoundment.** Within five (5) days after impoundment, the animal control officer shall notify the dog's owner in writing of the impoundment. (Ord. #603, April 2006)

**10-309. Hearing on impoundment/destruction.** (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) The hearing shall be before the Hohenwald City Judge, but shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner conditioned on the owner complying with the requirements set forth in this chapter or with any other requirements necessary to protect the public health or safety.

(4) If the owner of an impounded dog fails to appear at a hearing, or fails to request a hearing within the allotted time, the dog may be destroyed. (Ord. #603, April 2006)

**10-310. Penalties.** Whoever violated any provision of this chapter shall be guilty of violating a city ordinance and may be punished by a fine not to exceed fifty dollars (\$50.00) per day for each violation in addition to other penalties that may be imposed by the city judge. (Ord. #603, April 2006)