

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Swine allowed roaming distance.
- 10-102. Running at large prohibited.
- 10-103. Pen or enclosure to be provided.
- 10-104. Violations.

10-101. Swine allowed roaming distance. Swine (hogs) shall not be kept or allowed to roam within 1000 feet of a residence or commercial building within the corporate limits of the Town of Kimball; except such buildings which may be owned by those keeping such animals.

Those persons now keeping swine (hogs) or allowing same to roam within the distance of a residential or commercial building specified above shall comply with this section no later than 25th day of August, 1974. (Ord. #27, July 1974)

10-102. Running at large prohibited. It is hereby declared to be a violation of the laws and the ordinances of the Town of Kimball for any person, business, corporation, proprietorship, or other business or personal entity, to permit the running at large of any domestic animal, including by way of illustration and not limitation, chickens, ducks, geese, cows, horses, pigs, goats and animals of like kind within the corporate limits of the Town of Kimball. (Ord. #53, April 1984)

10-103. Pen or enclosure to be provided. Each owner as hereinabove set forth in § 10-102 shall be required to provide adequate enclosures or restraints on such animals sufficient to prevent the same from escaping from, leaving, or moving off the premises of the owner. (Ord. #53, April 1984)

10-104. Violations. Each person charged with violation of this chapter shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for each such violation.

For the purpose of this chapter, each day that a violation of this chapter continues shall be deemed a separate violation for the purpose of imposition of punishment therefor. (Ord. #53, April 1984, modified)

CHAPTER 2

DOGS

SECTION

- 10-201. Running at large prohibited.
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- 10-203. Rabies vaccination and registration required.
- 10-204. Dogs to wear tags.
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- 10-207. Noisy dogs prohibited.
- 10-208. Keeping in such manner as to become a nuisance prohibited.
- 10-209. Inspections of premises.
- 10-210. Seizure and disposition of dogs.
- 10-211. Issuance of orders and notices.
- 10-212. Punishment for violation of this chapter.

10-201. Running at large prohibited.¹ It shall be unlawful for any person to knowingly or negligently permit any dog owned by him or her or under his or her control to run at large within the corporate limits of the Town of Kimball. (Ord. #64, July 1989)

10-202. Pen or enclosure to be kept clean. All pens or enclosures used to house or confine dogs kept within the corporate limits shall at all times be maintained in a clean and sanitary condition. (Ord. #64, July 1989)

10-203. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the dog 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. (Ord. #64, July 1989)

10-204. 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. (Ord. #64, July 1989)

10-205. 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, any authorized health officer,

¹State law reference

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

animal control officer, rabies control officer, or police officer may cause such dog to be confined or isolated for such time as is deemed reasonably necessary to determine if such dog is rabid. (Ord. #64, July 1989)

10-206. Vicious dogs. (1) Definitions.

(1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or 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, and 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 section; 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 dog fighting, or any dog trained for dog fighting; or

(5) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(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 and health administrator. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner of a vicious dog shall not permit the dog to go unconfined.

(1) 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.

(3) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(4) Insurance. Owners of vicious dogs must provide proof to the finance director of liability insurance in the amount of at least one million dollars (\$1,000,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.

(5) Animal control officer. Any police officer of the Town of Kimball, Tennessee 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.

(6) Impoundment and destruction. The 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 a vicious dog as defined herein, or;

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

(4) The dog poses a threat of serious harm to the public health or safety.

(7) Notice of impoundment. Within five (5) days after impoundment, the animal control officer shall notify, if possible, the dog's owner in writing of the impoundment.

(8) 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 city judge within fifteen (15) business days after receipt of the request. The animal control officer shall provide notice of the date, time and location of the hearing to the dog owner by certified mail, and to the complainant by regular mail. The hearing 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.

(9) Change of ownership.

(1) (1) Any owner of a vicious dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) business days after the change of ownership or residence, provide written notification to the Kimball Police Department of the name, address and telephone number of the new owner.

(2) The person transferring ownership or custody of the dog must provide written notification of the dog's classification as vicious to the person receiving the dog. The previous owner shall furnish a copy of such notification to the police department along with written acknowledgment by the new owner of its receipt of the notification.

(3) The chief of police shall notify the mayor and board of commissioners and the police department of any changes in ownership, custody or residence of the dog within three business days after receiving the required information from the previous dog owner.

(2) A person receiving a dog classified as vicious must obtain the required proof of insurance and method of confinement prior to acquisition of the dog.

(10) Penalties. Whoever violates any provision of this section shall be guilty of a misdemeanor 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. #64, July 1989, as replaced by Ord. #176, June 2006, and amended by Ord. #189, January 2008)

10-207. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (Ord. #64, July 1989)

10-208. Keeping in such manner as to become a nuisance prohibited. No dog shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (Ord. #64, July 1989)

10-209. Inspections of premises. For the purpose of insuring compliance with the provisions of this chapter, the health officer, animal control officer, rabies control officer, or policeman of the Town of Kimball shall be authorized to enter and inspect, at any reasonable time, any premises where a

dog is allegedly kept within the corporate limits of said town. (Ord. #64, July 1989)

10-210. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer, animal control officer, rabies control officer, or policeman of the Town of Kimball and placed in a pound provided or designated by the board of mayor and aldermen.

If the owner of an impounded dog can be identified, then such owner shall be notified by a post card addressed to the owner's last known address to appear within five (5) days and redeem said dog by paying a fee and costs as established by the rules and regulations governing the operation of the above-designated pound. If said owner fails to appear within the five (5) day period after date of said postcard, then said dog may be destroyed, sold, given away, or otherwise disposed of in a humane manner. 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 any health officer, animal control officer, rabies control officer, or policeman of the Town of Kimball.¹ (Ord. #64, July 1989)

10-211. Issuance of orders and notices. In addition to the rights of impoundment and destruction as authorized above, any health officer, animal control officer, rabies control officer, or police officer of the Town of Kimball is hereby authorized to issue orders requiring the removal of a dog from within the corporate limits of said town when the keeping of such a dog is in violation of this chapter, and at all times when the keeping of such a dog may constitute a hazard to the public health. If said orders are not complied with, those persons in violation of the orders and this chapter shall be cited to appear before the Municipal Judge of the Town of Kimball. (Ord. #64, July 1989)

10-212. Punishment for violation of this chapter. Any person or persons violating the provisions of this chapter shall be deemed guilty of a civil offense and punished by a civil penalty of not more than five hundred dollars (\$500.00) for each offense, and each day of continued violation shall constitute a separate offense. The municipal judge may, also, order the removal and/or destruction of the involved dog. (Ord. #64, July 1989, modified)

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).