

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

1. IN GENERAL.
2. DOGS.
3. LICENSING.

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. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

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. (1988 Code, § 3-101)

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep any other animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the city recorder. The city recorder 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. (1988 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. (1988 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. (1988 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. (1988 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1988 Code, § 3-106)

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 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 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. (1988 Code, § 3-107)

10-108. 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. (1988 Code, § 3-108)

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.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.

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. (1988 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. (1988 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.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1988 Code, § 3-203)

10-204. Vicious dogs. (1) Definition of terms:

(a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(b) "Vicious dog" means:

¹State law reference

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

(i) 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

(ii) 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 section; or

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

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

(v) 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.

(c) 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. 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 (1'). 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 suffer or permit the dog to go unconfined.

(3) Leash and muzzle. The owner of a vicious dog shall not suffer or 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.

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

(5) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the

purpose of causing or encouraging the dog to attack human beings or domestic animals.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this section provide proof to the city clerk of public 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.

(7) Penalties. Whoever violates any provision of this section shall be guilty of a gross misdemeanor and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt. (1988 Code, § 3-204, as replaced by Ord. #13-207-0, Oct. 2013)

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. (1988 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 chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1988 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or any other properly designated officer or official 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 five (5) 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. (1988 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. 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 policeman or other properly designated officer.¹ (1988 Code, § 3-208)

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

LICENSING

SECTION

- 10-301. Requirement of license.
- 10-302. Written application.
- 10-303. Period of license.
- 10-304. Period of application.
- 10-305. Exceptions to fees.
- 10-306. Issuance of tag.
- 10-307. Dogs and cats to wear tags.
- 10-308. Records.
- 10-309. Licensing period.
- 10-310. Failure to obtain license.
- 10-311. Application fee.
- 10-312. Duplicate licenses.
- 10-313. Substitution of licenses prohibited.
- 10-314. Registration fee for kennels.
- 10-315. Penalties.

10-301. Requirement of license. Any person owning, keeping, harboring, or having custody of any dog or cat over four months of age within this municipality must obtain a license as herein provided. (Ord. #12-5A, Dec. 1994)

10-302. Written application. Written application for licenses, which shall include name and address of applicant, description of the dog or cat, the appropriate fee, and rabies certificate issued by a licensed veterinarian or antirabies clinic, shall be made to the licensing authority. (Ord. #12-5A, Dec. 1994)

10-303. Period of licenses. If not revoked, licenses for keeping of dogs and cats shall be for a period of one year. (Ord. #12-5A, Dec. 1994)

10-304. Period of application. Application for a license must be made within thirty (30) days after obtaining a dog or cat over four months of age; this requirement will not apply to a nonresident keeping a dog or cat within the municipality for not longer than sixty (60) days. (Ord. #12-5A, Dec. 1994)

10-305. Exceptions to fees. License fees shall not be required for certified seeing eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped. (Ord. #12-5A, Dec. 1994)

10-306. Issuance of tag. Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designated so that they may be conveniently fastened or riveted to the animal's collar or harness. (Ord. #12-5A, Dec. 1994)

10-307. Dogs and cats to wear tags. Dogs and cats must wear identification tags or collars at all times when off the premises of the owners. (Ord. #12-5A, Dec. 1994)

10-308. Records. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times. (Ord. #12-5A, Dec. 1994)

10-309. Licensing period. The licensing period shall begin with the fiscal year and shall run for one year. A license application may be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Persons applying for a license during the licensing year shall be required to pay fifty (50) percent of the fee stipulated in this section. (Ord. #12-5A, Dec. 1994)

10-310. Failure to obtain license. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine as described in § 10-315. (Ord. #12-5A, Dec. 1994)

10-311. Application fee. A license shall be issued after payment of the following application fee:

unneutered male dog	\$10.00	unneutered male cat	\$10.00
unspayed female dog	\$10.00	unspayed female cat	\$10.00
neutered male dog	\$ 5.00	neutered male cat	\$ 5.00
spayed female dog	\$ 5.00	spayed female cat	\$ 5.00

(Ord. #12-5A, Dec. 1994, modified)

10-312. Duplicate licenses. A duplicate license may be obtained upon payment of a one dollar (\$1.00) replacement fee. (Ord. #12-5A, Dec. 1994)

10-313. Substitution of licenses prohibited. No person may use any license for any dog or cat other than the animal for which it was issued. (Ord. #12-5A, Dec. 1994)

10-314. Registration fee for kennels. Persons operating a kennel where animals are bred for sale shall not be required to pay the registration fee required by § 10-311, but in lieu thereof shall pay, on or before the first day of

May of each year, or upon the opening of such kennel, a registration fee as a kennel operator. These fees shall be annual fees and shall be as follows:

- (1) Less than 10 animals, \$5.00.
- (2) 10 but not more than 20 animals, \$10.00.
- (3) Over 20 animals, \$15.00. (Ord. #12-5A, Dec. 1994)

10-315. Penalties. Any person violating any provision of title 10 of this code shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$10.00 and not more than \$50.00. If a violation continues, each day's violation shall be deemed a separate violation. (Ord. #12-5A, Dec. 1994, modified)