

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

1. IN GENERAL.
2. DOGS.
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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 or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1972 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 (1,000) feet 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. The keeping of fowl and the permit therefor shall comply with and be further governed by § 10-104. (1972 Code, § 3-102, as amended by Ord. #1630, Oct. 2021 *Ch21_07-05-22*)

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. (1972 Code, § 3-103)

10-104. Keeping of fowl. These provisions shall specifically apply to the keeping of fowl within the City of Manchester. These provisions are supplementary to any other provisions of Manchester Municipal Code. To the extent there is a conflict; the more stringent provisions shall control.

(1) No person shall keep fowl within the City of Manchester in such a manner that a nuisance is created.

(2) The keeping of fowl shall be in compliance with all applicable zoning laws of Manchester Municipal Code.

(3) Only the keeping of domesticated hens is permitted. Keeping of male fowl of any type is not permitted. Keeping of pea fowl of any type is not permitted.

(4) An annual permit issued by the city shall be required for the keeping of domesticated hens where allowed by Manchester Municipal Code, provided that no permit shall be required for property that is zoned for agricultural uses.

(a) The annual permit to keep domesticated hens may not be assigned to another person. In addition, the permit authorizes the keeping of domesticated hens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated hens are kept as the permittee's personal, primary residence. An applicant for a permit for residential property must either own the property or have written permission from the property owner to be eligible for a permit.

(b) Only one (1) permit is allowed per permittee. In the event the permittee is absent from the property for longer than sixty (60) days; the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof.

(c) The first permit year shall extend from the date of issuance through December 31, 2021. Thereafter the permit year shall be January 1 through December 31.

(d) Fees. The fee for an annual permit to keep domesticated hens is twenty-five dollars (\$25.00).

(e) In the event a permit is denied or revoked; the affected permittee or potential permittee may appeal that decision to the street committee. The street committee's decision shall be final. Any such appeal to the street committee must be in writing and filed with the finance director no later than ten (10) days after the first adverse action.

(5) Food storage and removal. All stored food for the domesticated hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

(6) Enclosure.

(a) All domesticated hens shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered henhouse, and a portion of which must be a fenced area complying with the provisions of Manchester Municipal Code applicable to the construction of fences.

(b) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse. A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures.

(c) Fenced enclosures and henhouses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(d) The henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade and must be constructed in a manner to resist access by rodents, wild birds and predators, including dogs and cats.

(e) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one inch (1") openings.

(7) Sanitation, nuisance and humane treatment.

(a) Waste storage and removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing soil shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from all trash and accumulated droppings.

(b) No perceptible odor from the hens or the hen enclosure shall be present at any property line.

(c) All feed shall be stored in a rodent and predator-proof container having a metal lid.

(d) No slaughtering of domesticated hens may occur on the property.

(e) No breeding of chickens shall occur on the property.

(f) No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport or financial gain.

(8) Application for permit.¹ Every applicant for a permit to keep domesticated hens shall:

(a) Complete and file an application on the form prescribed by the board of mayor and aldermen.

(b) Deposit the prescribed permit fee with the finance director at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

(c) Include with the application a picture, rendering or design plans of the henhouse(s) to be constructed.

(9) Approval of permit. The health officer (superintendent of public works) shall issue a permit if the applicant submits an affidavit attesting that he/she is in compliance with the criteria and standards in this section or signs the permit under penalty of perjury.

(10) Denial, suspension or revocation of permit. The health officer shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this section (or fails to sign the permit under penalty of perjury). A permit to keep domesticated hens may be suspended or revoked by the health officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law, provided that a permit to keep domesticated hens shall be revoked in the event a court of competent jurisdiction finds three (3) or more separate violations of the provisions of this section within a twenty-four (24) month period. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal. In the event a permit to keep domesticated hens at a particular address is revoked pursuant to the provisions of this subsection; no new permit shall be issued for the same address unless the property changes ownership from the permittee violating this provision or a new tenant is residing at the address and no person violating the terms of this section own or reside on the premises.

(11) Penalty. In addition the any other enforcement action which the City of Manchester may take; violation of any provision of this section shall be subject to a fine of fifty dollars (\$50.00). Each day that a violation continues shall be treated as a separate offense.

(12) The street committee of the City of Manchester shall have the authority to adopt and implement rules and regulations necessary to further the provisions of this section, provided they are not in conflict with the requirements of this section.

¹The application for permit, and any amendments thereto, may be found in the recorder's office.

(13) The provisions of this section are severable. If any are found to be unenforceable; the remainder shall be enforced. (1972 Code, § 3-104, as repealed by Ord. #1186, Nov. 2007, and added by Ord. #1630, Oct. 2021 *Ch21_07-05-22*)

10-105. [Repealed.] (1972 Code, § 3-105, as repealed by Ord. #1186, Nov. 2007)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any animal or fowl. (1972 Code, § 3-106, as amended by Ord. #1628, Sept. 2021 *Ch21_07-05-22*)

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, and the animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. 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 within the specified period, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen. (1972 Code, § 3-107)

10-108. Health officer. A health officer within the meaning of this title shall be the superintendent of public works or whomever in the department of public works he might designate as a health officer. (1972 Code, § 3-108)

10-109. Authority of health officer to issue ordinance summonses. The health officer, as defined in this title, and/or the animal control officers of the City of Manchester are authorized to issue ordinance summonses upon witnessing a violation of any municipal ordinance, law or regulation contained in title 10 of the Manchester Municipal Code or in any other title which pertains to animals or the keeping thereof.

In the event the person to whom the summons is issued fails to sign the summons agreeing to appear in court at the date and time indicated, the health officer or animal control officer may seek the assistance of a police officer, who, upon witnessing the violation, may issue a citation in lieu of arrest or arrest the person who fails to sign the summons. (as added by Ord. #1350, Nov. 2012)

10-110. Noisy animals prohibited. No person shall own, keep or harbor any animal which disturbs the peace and quiet of any neighborhood. (as added by Ord. #1569, April 2018 *Ch20_5-7-19*)

10-111. Animals prohibited on city streets. No person shall bring, harbor, handle or lead any animal into or upon any municipal building, park, street, sidewalk or recreational area or to any city-sponsored event, such as a parade or public gathering. The foregoing prohibition shall not apply to the following:

(1) Any service dog permitted under The Americans with Disabilities Act;

(2) Domestic dogs properly leashed and/or muzzled, in accordance with title 10 of Manchester Municipal Code, in outdoor areas such as the streets, greenway and parks;

(3) The dedicated dog park; however, nothing in this section shall abrogate the rules established for the dog park;

(4) Transportation of pets and/or livestock on city streets when the animal remains confined in an enclosed vehicle, trailer or cage;

(5) Any parade, closed street or other public area for which access and control is given a private entity pursuant to a special events permit;

(6) Any public area while rented to a private entity, the terms of which allow the private entity to control access;

(7) Any animal participating in a parade provided the owner has complied with § 16-113;

(8) Any draft animal remaining on a city street provided the owner of said animal complies with all other laws and ordinances applicable thereto and

(9) The city's animal control facility.

(10) Any animal which is properly restrained may be brought into an outdoor park or outdoor recreational area. "Properly restrained" shall mean:

(a) Inside a fully-enclosed cage which prohibits the animal's escape;

(b) For fowl and mammals confined by leash and harness or tether such that the person bringing the fowl or mammal can fully control the animal and prohibit its escape and/or contact with others;

(c) Any fowl or mammal which is not or cannot be physically controlled by the person bringing the fowl or mammal into the park or recreational area grounds is not properly restrained regardless of the leash, harness, tack or other method employed. (as added by Ord. #1579, Oct. 2019 *Ch21_07-05-22*)

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. Noisy dogs prohibited.
- 10-205. Seizure and disposition of dogs.
- 10-206. Fees for impounding animals.

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. (1972 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. (1972 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. (1972 Code, § 3-203)

10-204. 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. (1972 Code, § 3-205)

10-205. Seizure and disposition of dogs. The provisions of § 10-107 shall apply for any licensed dog found running at large.

However, any dog which is unlicensed or not wearing tags as required by this chapter and which is found at large may be summarily destroyed by any police officer.² (1972 Code, § 3-206)

¹State law reference

Tennessee Code Annotated, §§ 44-8-408, 68-8-108, and 68-8-109.

²State 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).

10-206. Fees for impounding animals. An impoundment fee of \$50.00 and a boarding fee of ten dollars (\$10.00) per day for each day or fraction thereof shall be charged for the impounding and keeping of all dogs, or other animals, which sum shall be used toward the expense of feeding and keeping the animals and the maintenance of the shelter. After two (2) impoundments in a calendar year, measured from the first impoundment, the impoundment fee shall increase fifty dollars (\$50.00) above the immediately-preceding impound fee. If an impounded dog has not been vaccinated, the owner shall, before he is permitted to regain possession of such dog, have it vaccinated and present evidence of vaccination to the shelter supervisor. Payment of the fees set out herein shall not relieve the owner from any other penalty for the violation of this title. Persons purchasing an animal under the authority of § 10-107 shall pay an adoption fee of one hundred dollars (\$100.00). Before an animal may be adopted, the animal control officer shall see that it is spayed or neutered and has its customary vaccinations brought current. (1972 Code, § 3-207, as amended by Ord. #757, March 1996, Ord. #759, March 1996, Ord. #791, June 1997, Ord. #1360, Feb. 2013, Ord. #1610, March 2021 **Ch21_07-05-22**, and Ord. #1611, March 2021 **Ch21_07-05-22**)

CHAPTER 3

VICIOUS DOGS

SECTION

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

10-301. Definition of terms. As used in this chapter:

(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:

(a) 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

(b) 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 ordinance; or

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

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

(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 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. (1972 Code, § 3-301, as amended by Ord. #1650, May 2022 *Ch21_07-05-22*)

10-302. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (1972 Code, § 3-302)

10-303. 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. (1972 Code, § 3-303)

10-304. 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. (1972 Code, § 3-304)

10-305. Insurance. Owners of vicious dogs must provide proof to the finance director of liability insurance in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by his or her vicious dog. (1972 Code, § 3-305, as amended by Ord. #808, Jan. 1998)

10-306. 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. (1972 Code, § 3-306)

10-307. Animal control officer. The animal control officer of the City of Manchester 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 by § 10-308. (1972 Code, § 3-307)

10-308. Impoundment and destruction. The Manchester 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 in § 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in §§ 10-302, 10-303, 10-304 or 10-305 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. (1972 Code, § 3-308)

10-309. Notice of impoundment. Within five (5) days after impoundment, the animal control officer shall notify the dog's owner in writing of the impoundment. (1972 Code, § 3-309)

10-310. 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 Manchester 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 shall be destroyed. (1972 Code, § 3-310)