

TITLE 10

ANIMAL CONTROL

CHAPTER

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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. (1980 Code, § 3-101)

10-102. 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. (1980 Code, § 3-102)

10-103. 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, safe condition, and wholesomeness for food is so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1980 Code, § 3-103)

10-104. 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 either because of noise, odor, contagious disease, or other reason. (1980 Code, § 3-104)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1980 Code, § 3-105)

10-106. Seizure and disposition of cows, swine, sheep, horses, mules or goats, chickens, ducks, geese, turkeys or other domestic fowl, cattle or livestock. Any cow, swine, sheep, horse, mule, goat, chicken, duck, goose, turkey or other domestic fowl, cattle or livestock 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 cow, swine, sheep, horse, mule, goat, chicken, duck, goose, turkey or other domestic fowl, cattle or livestock 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 cow, swine, sheep, horse, mule, goat, chicken, duck, goose, turkey or other domestic fowl, cattle or livestock 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, a reasonable fee to cover the costs of impoundment and maintenance. (1980 Code, § 3-106)

10-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or any police officer 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. (1980 Code, § 3-107)

CHAPTER 2

DOGS AND CATS

SECTION

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10-201. Regulations applicable. Anyone owning or keeping a dog or cat within the corporate limits of the City of Portland, Tennessee, must abide by the following. (1980 Code, § 3-201)

10-202. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat 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). (1980 Code, § 3-202)

10-203. 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. (1980 Code, § 3-203)

10-204. Cats to have proof of vaccination. It shall be unlawful for any person to own, keep, or harbor any cat which does not have proof evidencing the vaccination and registration required by § 10-202. (1980 Code, § 3-204)

10-205. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog or cat owned by him unless under adult control to run at large within the corporate limits. (1980 Code, § 3-205)

¹State law reference

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

10-206. Vicious dogs or cats to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1980 Code, § 3-206)

10-207. Noisy dogs or cats prohibited. No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, screeching, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1980 Code, § 3-207)

10-208. Confinement of dogs or cats suspected of being rabid. If any dog or cat 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 police may cause such dog or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (1980 Code, § 3-208)

10-209. Seizure and disposition of dogs and cats. 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 governing body. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a post card addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, to be fixed by the pound keeper, 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 a tag placed on its collar.

Any cat 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 governing body. If said cat is wearing a name 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 cat by paying a reasonable pound fee, to be fixed by the pound keeper, or the cat will be humanely destroyed or sold. If said cat is not wearing a name tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No cat shall be released in any event from the pound unless or until such cat has been vaccinated and proof kept with the owner.

When, because of its viciousness or apparent infection with rabies, any cat found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman. (1980 Code, § 3-209)

10-210. Abuse or mistreatment of dog, cat, or any animal. Any owner knowingly mistreating or abusing any animal, by not feeding, watering

or sheltering in a responsible manner may be subject to the penalties set forth in § 10-211. (1980 Code, § 3-210)

10-211. Enforcement and penalties. Any owner or keeper of a dog or cat violating this chapter or any part of it shall, upon conviction, pay a fine of not less than \$2.00 nor more than \$50.00 for each offense. (1980 Code, § 3-211)

CHAPTER 3

VICIOUS ANIMALS

SECTION

- 10-301. Definitions.
- 10-302. Restraint.
- 10-303. Impoundment and violation notice.
- 10-304. Animal care.
- 10-305. Nuisance animal.
- 10-306. Animal waste.
- 10-307. Compliance.
- 10-308. Enforcement.
- 10-309. Penalties.

10-301. Definitions. (1) "Animal." Any live, vertebrate or invertebrate creature, domestic, or wild, warm or cold blooded, other than a human being.

(2) "Animal control officer." Any person designated by the mayor with primary responsibility in the area of animal control.

(3) "Animal shelter." Any facility operated by the city or other governmental entity for the purpose of impounding animals held under the authority of the city or state.

(4) "Confined" shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such animal. Such pen or structure must have secure sides and a secure top and provide for appropriate shading. If the pen or structure has no bottom secured to the sides, the sides must be embedded into concrete no less than eighteen (18) inches into the ground and inspected and approved by the animal control officer or the codes and health administrator. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition and the size of the pen must be sufficient to house and shelter the animal comfortably but be no smaller than ten (10) feet by ten (10) feet.

(5) "Nuisance animal." Any animal or animals which:

- (a) Molests passersby or passing vehicles;
- (b) Attacks other animals;
- (c) Trespasses on school grounds;
- (d) Damages private or public property; or
- (e) Barks, whines or howls in an excessive, continuous or untimely fashion, or adversely affects the health or disturbs the repose of any neighbor or disturbs the peace and quiet of a neighborhood.

(6) "Owner." Any person, association, partnership, corporation or other entity owning, keeping or harboring one (1) or more animals. An animal shall

be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

(7) "Pet." Any animal kept for pleasure rather than commercial use.

(8) "Restraint." Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner, or confined within a vehicle.

(9) "Vicious animal." Any animal or animals that attacks, bites, or injures or poses a threat to human beings or other animals without adequate provocations or approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways or private property; or any animal which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or other animals; or any animal which is trained for dog fighting or which is owned or kept primarily for the purpose of dog fighting or any animal fighting. Provided, however, no animal shall be declared vicious if the threat, injury, or damage by the animal was sustained by a person who was committing a crime or willfully trespassing upon the premises occupied by the owner of the animal, or the person injured was teasing, tormenting, abusing, assaulting, or provoking the animal, or if the animal was protecting or defending another human being, or other animal, or itself against unjustified attack or assault.

(10) "Wild animal." Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state. (as added by Ord. #06-57, Feb. 2007)

10-302. Restraint. (1) Running at large prohibited. It shall be unlawful for the owner of any animal, or any person having an animal in his care, custody or possession to suffer or allow it to run at large unattended on or about the streets and highways of the City of Portland, or on the property of another person without permission of the owner or occupant of that property, or of the person in possession of that property.

(2) Duty to keep animal under restraint while off property. (a) It shall be the duty of the owner of any animal or anyone having an animal in his care, custody or possession to keep said animal under control at all times while the animal is off the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed "under control" when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, is under voice command of a competent person with said person being present with said animal, is properly confined within an enclosure with permission of the owner of the property where the enclosure is located.

(b) No person shall permit a vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious

animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings or structures. In addition a muzzling device sufficient to prevent such animal from biting persons or other animals shall muzzle all vicious animals on a leash outside the animal's kennel.

(3) Vicious animals. As determined by the animal control officer, each vicious animal will be confined by the owner or custodian of the animal within a building or secure enclosure and shall be securely muzzled and restrained or caged whenever off the premises of its owner.

(4) Procedure for determining a vicious animal. The animal control officer upon his or her complaint or allegation alleging an animal to be vicious shall hold a hearing within five (5) days of serving notice to the animal owner. In making his decision whether the animal is vicious, the animal control officer shall consider, but is not limited to, the following criteria:

- (a) Provocation;
- (b) Severity of attack;
- (c) Previous aggressive history;
- (d) Observable behavior;
- (e) Site and circumstances of the incident;
- (f) Age of the victim;
- (g) Statements from witnesses;
- (h) Reasonable enclosures already in place;
- (i) Height and weight of animal.

Within five (5) days of hearing, the animal control officer shall determine whether to declare the animal vicious and shall within five (5) days after the hearing notify the owner by certified mail of the animal's designation as a vicious animal and the specific restrictions and conditions for keeping the animal. If declared vicious, the animal owners must notify all abutting property owners by certified mail, with return receipt requested, and such notification shall be at owner's expense. (as added by Ord. #06-57, Feb. 2007)

10-303. Impoundment and violation notice. (1) Unrestrained and nuisance animals shall be taken by the animal control officer and impounded in an animal shelter and there confined in a humane manner.

(2) If by a license, tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail or other appropriate and reasonable means.

(3) An owner reclaiming an impounded animal will pay a fee of thirty dollars (\$30.00) plus five dollars (\$5.00) per day the animal has been impounded and the costs of all medical treatment or other cost or expense incurred as deemed necessary by the animal control officer. If the animal control officer determines the animal has vicious tendencies, the owner may be required as a

condition to reclaiming the animal to provide evidence of insurance in an amount not less than one hundred thousand dollars (\$100,000.00) to insure the owner against claims for personal injuries that may be inflicted by the animal.

(4) Any animal not reclaimed by its owner within three (3) days will become the property of the city and will be placed for adoption in a suitable home or humanely euthanized. An owner of an unclaimed animal, whether licensed or not, will be charged with having an unrestrained animal.

(5) In addition to, or in lieu of, impounding an animal found at large, the animal control officer or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice, if uncontested, shall impose upon the owner a penalty of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) which may, at the discretion of the animal owner, be paid to the animal control center within seventy-two (72) hours (excluding Saturday and Sunday) in full satisfaction of the assessed penalty. In the event such penalty is not paid within the seventy-two (72) hour time period prescribed, a citation or warrant will be issued and additional costs assessed for the same.

(6) The city judge may order the impoundment and destruction of a vicious animal where:

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

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

(c) All fines or costs imposed under this ordinance have become final orders, and remain unpaid or

(d) The vicious animal poses a threat of serious harm to the public health or safety.

Within five (5) days after impoundment, the animal control officer shall notify the vicious animal's owner in writing of the impoundment.

The owner of an impounded vicious animal shall have the right to file, within five (5) days after receiving notice, a written request for a hearing to contest the impoundment. 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 owner of the vicious animal 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.

After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the vicious animal or may release the vicious animal 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. If the owner of an impounded vicious animal fails to appear at a hearing, or fails to request a hearing within the

allotted time, the animal may be destroyed. The city judge may issue an order that the matter be transferred to the General Sessions Court of Sumner County for disposition or the matter referred to the District Attorney of Sumner County for further proceedings and if a referral is made the vicious animal shall be impounded pending a decision from the General Sessions Court or the Circuit Court for Sumner County, Tennessee. (as added by Ord. #06-57, Feb. 2007)

10-304. Animal care. (1) No owner or custodian shall fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and veterinary care when needed to prevent suffering, and shall provide such animals with humane care and treatment.

(2) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, suffer or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(3) No owner of an animal shall abandon such animal.

(4) No person except a licensed veterinarian shall crop a dog's ears nor dock a dog's tail.

(5) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be reasonable and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency. (as added by Ord. #06-57, Feb. 2007)

10-305. Nuisance animal. It shall be unlawful to keep or harbor any animal which barks, howls, or whines in an excessive, continuous or untimely fashion; creates a nuisance; or adversely affects the health or disturbs the repose of any neighbor, or disturbs the peace and quiet of a neighborhood. Owners of such animals will receive one (1) warning from the police or animal control to correct the situation, a citation will be issued if the police or animal control have to respond to repeated complaints. (as added by Ord. #06-57, Feb. 2007)

10-306. Animal waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s), or animals in his or her custody, on public walks, recreation areas, private property and public parks. (as added by Ord. #06-57, Feb. 2007)

10-307. Compliance. (1) It shall be unlawful for the owner, keeper, or possessor of a vicious animal within the City of Portland to fail to comply with the provision of this chapter. Any animal found to be subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition

failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Portland.

(2) No owner, lessee, tenant or subtenant of any property, public or private, located within the city shall keep, maintain or cause to be kept any horses, mules, donkeys, cattle, swine, chickens, turkeys, ducks, geese, goats, sheep, hares or similar animals or fowl either domesticated or non-domesticated except under conditions set forth in the provisions of the municipal code of the city. (as added by Ord. #06-57, Feb. 2007)

10-308. Enforcement. The civil provisions of this chapter shall be enforced by those persons or agencies designated by the mayor. It shall be a violation of this chapter to interfere with an animal control officer in the performance of his or her duties. (as added by Ord. #06-57, Feb. 2007)

10-309. Penalties. Any person violating any provision of this chapter will be punished in accordance with the appropriate provisions of the charter and ordinances of the city and the statutes of Tennessee and 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. Each separate day during which an offense occurs under this chapter shall constitute a separate chargeable offense. (as added by Ord. #06-57, Feb. 2007)