TITLE 10

ANIMAL CONTROL

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CHAPTER 1

IN GENERAL

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10-101. Keeping and maintenance of some restricted; running at large prohibited. It shall be unlawful for any person owning or controlling any animal including fowl, but excluding dogs and cats, to keep or maintain any such animal on any lot or parcel of ground within the city, on which a house or building is located, unless said lot or parcel of ground shall contain two acres or more.

It shall likewise be unlawful to keep or maintain any such animal upon any open lot or parcel of ground on which there is no structure, unless said lot or parcel of ground shall contain one acre or more. All lots or parcels utilized for the keeping of animals under this section shall be completely enclosed by a fence adequate to restrain said animals, and it shall be unlawful for any person owning or controlling any such animals, or owning or controlling any chickens

1Municipal code reference
Animal control officer's power and right to issue ordinance summonses as citations in lieu of arrest: title 20, chapter 8.
of other fowl, to allow such animals or birds to run at large in the streets or upon any unenclosed lot in the city or upon the premises of any other person in the city.

If any sick or injured animal is found at large within the city, the city should contact the Hamilton County Humane Education Society, or any other such person or company that the city may contract with, to respond to remove the animal. Every owner shall provide animals under his or her control with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and provide humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight or bullfight, or any other combat between animals or between animals and humans. No owner of an animal shall abandon such animal. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be possibly eaten by an animal, provided that it shall not be unlawful for a person to expose on his own property, either by such person's own actions or by utilization of a licensed pest control company or licensee, common rat poison mixed only with vegetable substance. Violations hereof, in the absence of State of Tennessee laws, rules or regulations addressing such violations, shall be punishable by a fine of up to fifty dollars ($50.00) per incident. (1975 Code, § 3-101, as amended by Ord. #14-1005, Nov. 2004)

10-102. Impoundment, notice, fees. Animals found running at large within the city limits shall be impounded and disposed of in accordance with the law if not redeemed within three (3) days.

Immediately upon impounding any animal, the animal warden shall make a reasonable effort to notify the owner thereof and to inform him of the prerequisites for redeeming such animal. Any animal impounded hereunder may be redeemed as herein provided, upon payment by the owner to the city of an impoundment fee of twenty-five dollars ($25.00) for each animal, and an additional maintenance fee of three dollars ($3.00) for each 24-hour period, or part thereof, that the animal is retained by the city.

Upon the second time that the same animal is impounded by the city, the impoundment fee shall be thirty-five dollars ($35.00), and for each third and subsequent impoundment that the same animal is impounded by the city, the impoundment fee shall be fifty dollars ($50.00). (1975 Code, § 3-102)

10-103. Care of impounded animals. It shall be the duty of the city manager to assign or provide by contract for proper care of all animals impounded by the city or the city’s contractor(s). (1975 Code, § 3-103, as replaced by Ord. #14-1005, Nov. 2014)
10-104. Redemption or other disposition of impounded animals.  Except as provided in §§ 10-106 and 10-107, any animal impounded under the provisions of this chapter may be reclaimed by the owner upon the payment of the impoundment fees set forth herein.

Any animal impounded under the provisions of this chapter and not reclaimed by its owner within three (3) days may be humanely destroyed by the animal warden, sold, or otherwise placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this chapter and such other regulations as shall be prescribed by the City of Red Bank, Tennessee. However, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, there shall be compliance with such law. (1975 Code, § 3-104)

10-105. Transfer of unclaimed animals to humane society.  The animal warden or any contractor of the city or designee of the city manager may transfer title to any animal held at any animal shelter to the humane society or other suitable facility and/or contractor either before or after the legal detention period has expired and during which the animal has not been claimed by its owner. The cost of food and care for such impounded animals shall be the responsibility of the owner and shall be paid by such owner in addition to impoundment fees at a per diem rate to be established by the city manager. (1975 Code, § 3-105, as replaced by Ord. #14-1005, Nov. 2014)

10-106. Wild animals and animals impounded for being public nuisances.  No wild animals, reptiles, fowls, birds of prey, or fish (excepting tropical aquarium fish or fish kept in ornamental pools/ponds less than two hundred (200) gallons in size) may be kept within the city, provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations as shall be established by the State of Tennessee and by the City of Red Bank provided, further, that all regulations of the State of Tennessee pertaining to the keeping of such animals shall be adhered to at all times. (1975 Code, § 3-106, as replaced by Ord. #14-1005, Nov. 2014)

10-107. Destruction of animals for humane reasons.  When, in the judgment of the animal warden, an impounded animal should be destroyed for humane reasons, such animal may not be redeemed. (1975 Code, § 3-107)

10-108. Seizure of animals kept in inhumane manner.  The animal warden may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it is being inhumanely treated. (1975 Code, § 3-108)
10-109. **Interference with animal warden.** No person shall interfere with, hinder, or molest the animal warden, any police officer or contractor of the City of Red Bank appointed and/or designated by the City Manager to enforce the terms of this topic/ordinance regarding animal control, in the performance of any duty of such person(s) or agent, or seek to release any impounded animal in custody except as herein provided. (1975 Code, § 3-109, as replaced by Ord. #14-1005, Nov. 2014)

10-110. **Records of the animal warden.** It shall be the duty of the animal warden to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into his custody. It shall be the duty of the animal warden to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him, and his investigation of same. It shall be the duty of the animal warden to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City of Red Bank. His records shall be open to inspection at all reasonable times by such persons responsible for similar records of the City of Red Bank, and shall be audited by the City of Red Bank annually in the same manner as other city records are audited. (1975 Code, § 3-110)

10-111. **City is made a bird sanctuary.** The entire area embraced within the city is hereby designated as a sanctuary for birds. It shall be unlawful to trap, hunt, or shoot, or attempt to shoot or molest in any manner any wild bird or rob any bird's nest. When any species of wild bird is found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, and if such are declared by qualified authorities to be creating a public nuisance and the board of commissioners is so informed, appropriate action may be taken by duly constituted officials after a thorough investigation. Trapping or killing of such birds shall not be resorted to unless Audubon Societies, bird clubs, garden clubs, or humane societies are unable to find a satisfactory alternative. (1975 Code, § 3-111)

10-112. **Excreta.** The owner or person in control of any animal shall remove, and dispose, in a suitable enclosure such as plastic bag, any excreta deposited by animal on public walks, recreation areas, public street, or private property of others. Such enclosed excreta shall be thereafter placed in an outdoor trash can or other suitable outdoor garbage or trash receptacle for further lawful waste disposal. Each violation hereof shall be punishable by citation and fines of up to fifty dollars ($50.00). Residents shall regularly rid their property of animal and pet waste. (as added by Ord. #14-1005, Nov. 2014)
CHAPTER 2

DOGS AND CATS

SECTION

10-201. Definitions.
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10-201. Definitions. As used in this chapter the following terms mean:

(1) "Owner." Any person, group of persons, or corporation owning, keeping, or harboring a dog or dogs.

(2) "Kennel." Any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs.

(3) "At large." Any dog shall be deemed to be at large when he is outside of the fenced property (or fenced portion thereof) of his owner and/or not under the physical and actual restraint and control of a competent person. Any fence referenced herein shall be at least five feet (5') in height and constructed and continuously maintained and secured so as to reasonably be expected to keep such dog(s) retained therein.

(4) "Restraint." A dog is under restraint within the meaning of this chapter if he is controlled by a leash, confined by chain, wire, fence or other physical restraint, or within a vehicle being driven or parked on the streets, or within the fenced property limits of its owner or keeper. An animal "at heel" and not otherwise physically under control is not "restrained."

(5) "Spayed female." Any bitch which has been operated upon to prevent conception.

(6) "Animal shelter." Any premises designated by contract or other action of the city for the purpose of impounding and caring for animals found not under restraint or running at large in violation of this chapter.

(7) "Animal warden." Any person employed by the city as its enforcement officer and/or any person or company contracting with city for
animal control services or any other designee of the city manager assigned by
the city manager to enforce the provisions of this (these) animal control
ordinance(s).

(8) "Exposed to rabies" A dog has been exposed to rabies within the
meaning of this chapter if it has been bitten by, or exposed to, any animal
known to have been infected with rabies. (1975 Code, § 3-201, as amended by
Ord. #14-1005, Nov. 2014)

10-202. Enforcement. The provisions of this chapter shall be enforced
by the animal warden of the City of Red Bank, Tennessee, as otherwise defined
in this chapter. The provisions of this chapter 2 with respect to physical
restraint shall not apply to dogs, accompanied by an owner or other competent
person utilizing the city's fenced and designated "dog park" or other similar
premises hereafter so designated and/or assigned by the city for the express
purpose of allowing dogs to exercise and run free of actual physical restraint.
(1975 Code, § 3-202, as replaced by Ord. #14-1005, Nov. 2014)

10-203. Licensing. (1) No person shall own, keep, or harbor any dog
within the city limits unless such dog is licensed as herein provided. A written
application for such license shall be made to the city. The application shall state
the name and address of the owner and the name, breed, color, age, and sex of
the dog and shall be accompanied by a veterinarian's certificate showing that
the dog has been vaccinated for rabies in accordance with the requirements of
the state law. The license fee shall be paid at the time of making application.
A numbered receipt and a numbered metallic tag shall be issued to each
applicant.

(2) The yearly license fee shall be five dollars ($5.00) for each dog over
the age of three (3) months.

(3) Every person, group of persons, or corporation, engaged in the
commercial business of buying, selling, breeding, or boarding dogs and who
owns, harbors, or keeps five or more dogs in a kennel, shall pay an annual
license fee of fifteen dollars ($15.00), provided, however, that any person
operating such kennel may elect to license individual dogs as provided in
subsection (2) of this section.

(4) All dog licenses and kennel licenses shall be issued for one (1) year
beginning with the 1st day of January. Applications for licenses may be made
prior to and for thirty (30) days after the beginning of the licensing year without
penalty, but when the application is made after thirty (30) days of the licensing
year have elapsed, the applicant shall be assessed a penalty of fifty percent
(50%) of the license fee which amount shall be added and collected with the
regular license fee. Provided, if the dog or kennel did not become subject to
licensing until after the start of the licensing year, then no penalty shall be
assessed.
(5) In the event the metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of one dollar ($1.00).

(6) If there is a change in ownership of a dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of one dollar ($1.00).

(7) No person shall use for any dog a license receipt or license tag issued for another dog. (1975 Code, § 3-203)

10-204. **Tag and collar.** Upon compliance with the provisions of the preceding section, each dog owner shall be issued a numbered metallic tag, stamped with a number and the year for which issued. The shape and design of such tag shall be changed from year to year.

Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar, or harness which must be worn by the dog at all times. (1975 Code, § 3-204)

10-205. **Dogs to be kept under restraint.** The owner shall keep his or her dog under actual physical restraint at all times and shall not permit such dog to be at large outside of the fenced portion of the owner's premises or property, unless under the actual physical restraint and control of a competent person. For purposes of this section, it is insufficient for such dog(s) to be "at heel" or under the verbal command and control of the owner or other person without an additional physical restraint and control such as a leash or other physical restraint. (1975 Code, § 3-205, as replaced by Ord. #14-1005, Nov. 2014)

10-206. **Impoundment.** Unlicensed dogs, or dogs found running at large shall be taken up by the animal warden, and impounded in the shelter designated as the city animal shelter, and there confined in a humane manner for a period of not less than three (3) days, and may thereafter be disposed of in a humane manner if not claimed by their owners. Dogs and cats not claimed by their owners before the expiration of three (3) days, may be disposed of at the discretion of the animal warden, except as herein otherwise provided in the cases of certain dogs and cats.

When dogs are found running at large, and their ownership is known to the animal warden, such dogs need not be impounded, but the agent may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violating this chapter.

Immediately upon impounding any dog the animal warden shall make a reasonable effort to notify the owner thereof and to inform such owner of the conditions under which he may regain custody of such animal.

No unspayed female dog which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed, or the human society shall agree to do so. (1975 Code, § 3-206)
10-207. **Redemption of impounded animals.** The owner may reclaim any impounded dog, except as herein otherwise provided in the cases of certain dogs, upon compliance with the license provisions in § 10-203 and the payment of the impoundment fees set forth herein.

Any animal impounded under the provisions of this chapter and not reclaimed by its owner within three (3) days, may be humanely destroyed by the animal warden, or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this chapter and such other regulations as shall be prescribed by the City of Red Bank, Tennessee. However, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, there shall be compliance with such law. (1975 Code, § 3-207)

10-208. **Impoundment fees.** Any dog or cat impounded hereunder, may be reclaimed as herein provided upon payment of the owner to the city of an impoundment fee of $10.00 for each dog or cat, and the additional maintenance fee of $3.00 for each 24-hour period, or part thereof, the animal is retained by the city.

Upon the second time that the same animal is impounded by the city, the impoundment fee shall be $25.00 and for each third and subsequent time that the same animal is impounded by the city, the impoundment fee shall be $50.00. (1975 Code, § 3-208)

10-209. **Certain dogs and cats to be kept confined.** The owner shall confine, within a building or secure enclosure, any fierce, dangerous, or vicious dog, and not take such dog out of the building or secure enclosure unless such dog is securely muzzled.

The owner shall also post, in a conspicuous place at each entrance to such building or enclosure, a clearly legible and visible sign warning all persons preparing to enter said building or enclosure of the dangerous or vicious propensities of the animal confined therein.

Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.

Any animal described in the foregoing provisions of this section found at large shall be impounded by the animal warden and may not be redeemed by its owner, unless such redemption is authorized by a court having jurisdiction. (1975 Code, § 3-209)

10-210. **Civil liability of owners for injury caused by dogs.** Any person who owns, keeps, or harbors any dog which, while upon the premises of another, or upon public property, causes damage or injury to any person,
domestic animal, or property, shall be liable in damages to such injured person or damaged domestic animal, or property. The lack of knowledge of the vicious or destructive nature or propensities of such dog shall have no bearing upon the question of liability of the person owning, keeping, or harboring such dog. (1975 Code, § 3-209.1)

10-211. Rabies control. Every animal which bites a person shall be promptly reported to the Hamilton County Health Department and the animal warden, and shall thereupon be securely quarantined at the direction of the animal warden for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the animal warden. At the discretion of the animal warden, such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter.

The owner, upon demand made by the animal warden, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for a supervised quarantine, the expense of which shall be borne by the owner. The animal may be reclaimed by the owner, if adjudged free of rabies, upon payment of the fees set forth in § 10-208 and upon compliance with the licensing provisions set forth in § 10-203.

When an animal under the quarantine has been diagnosed as being rabid or is suspected by a licensed veterinarian of being rabid and dies while under such observation, the animal warden shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of any reports of human contact, and of the diagnosis made of the suspected animal.

When one or both reports give a positive diagnosis of rabies, the animal warden shall impose a city-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine.

During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the city limits without written permission from the animal warden.
The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal warden.

The animal warden shall direct the disposition of any animal found to be infected with rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the animal warden. Provided, further, that if the provisions of § 10-211 shall conflict with applicable laws, rules or regulations of the State of Tennessee, then such shall take precedence over this chapter to the extent of conflict. (1975 Code, § 3-210, as amended by Ord. #14-1005, Nov. 2014)

10-212. Physicians to report bite cases. It shall be the duty of every physician, or other practitioner, to report to the animal warden the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. (1975 Code, § 3-211)

10-213. Veterinarians to report rabies suspects. It shall be the duty of every licensed veterinarian to report to the animal warden his diagnosis of any animal observed by him as a rabies suspect. (1975 Code, § 3-212)

10-214. Exemptions. Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where such duties are expressly stated or as otherwise provided by the laws, rules or regulations of the State of Tennessee.

The licensing and vaccination requirements of this chapter shall not apply to any animal belonging to a non-resident of the city when such animal is kept within the city for not longer than thirty (30) days. However, all such dogs shall be kept within a building, enclosure, or vehicle, or otherwise under restraint by the owner at all times while in the city.

All dogs which are used for the purpose of assisting the blind, and which are commonly called "seeing eye" dogs shall be exempt from the license fee prescribed by § 10-203, provided, however, that the owner of such dog shall nevertheless be required to submit an application for and obtain a license therefor, but without the payment of the prescribed fee. This exemption shall apply only to the fee and shall not exempt the owner of such dog from the remaining provisions of this chapter. (1975 Code, § 3-213, as amended by Ord. #14-1005, Nov. 2014)

10-215. Enforcement. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal warden, or any police officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. (1975 Code, § 3-214)