

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.

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, 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. (1980 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 to come 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. (1980 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. (1980 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. (1980 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. (1980 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. (1980 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 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 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. (1980 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, 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. (1980 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

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10-201. Definitions. For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section:

(1) "At large." A dog is considered to be running at large when said dog is off the premises of the owner and not under the control of the owner, either by leash, cord, chain, or otherwise; provided, however, a dog shall not be considered running at large when:

(a) The dog is off the premises of the owner if said dog shall be accompanied by the owner and the owner shall have full command of the said dog, or

(b) The dog is a hunting dog and is in chase or in training and accompanied by a responsible person.

(2) "Dog." All members of the dog family.

(3) "Owner." Any person or persons, firm, association, or corporation having a right of property in a dog, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who permits a dog to remain on or about any premises.

(4) "City." The City of Red Boiling Springs. (1980 Code, § 3-201)

10-202. Enforcement. The provisions of this chapter shall be enforced by the chief of police of the city or his duly authorized representatives. (1980 Code, § 3-202)

10-203. Vaccination of dogs against rabies. It shall be unlawful for any owner to keep, harbor, or permit to remain on or about any premises, any dog over three months of age which has not been vaccinated against rabies as required by the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114). A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination, and such certificate shall be kept by the person who owns, keeps, or harbors the said dog, subject to the inspection of the chief of police. (1980 Code, § 3-203)

10-204. Licenses. All persons owning, keeping, or harboring on premises where they reside, any dog over three months of age, shall pay on or before June 1 of each and every year to the city clerk, a fee not to exceed five dollars (\$5.00) for each dog so owned, kept, or harbored. The amount of the fee shall be fixed by the mayor based on the actual costs of administering this chapter. Such persons whose dog reaches the age of three months subsequent to June 1 of any year shall pay said license fee at or prior to the time the dog reaches such age; provided, that such persons whose dog reaches the age of three months subsequent to November 30 of any year will have until June 1 of the following year for the purchase of the required license. All licenses issued hereunder shall expire at midnight on June 1 in the year following their issuance. (1980 Code, § 3-204)

10-205. Records of the city clerk. It shall be the duty of the city clerk to collect the license fees under this chapter. He or she shall, in a well bound book, record the name of each owner of any dog or dogs, the date and amount of such payment, the description and sex of each dog on which a license fee is paid, the license tag number issued by him for such dog, and the date when said dog was vaccinated. Unless said certificate of vaccination is exhibited at the time request for license is made, as herein provided, the clerk shall issue no license. On receipt of the payment of the license fee, the clerk shall issue to the person paying the same, a receipt showing the name of the owner of the dogs on which such license fee is paid, the date and amount of such payment, the license tag number issued for each dog, and the date of vaccination of such dog, and shall deliver to the owner a license tag bearing the serial number and the year for which the license fee is paid. (1980 Code, § 3-205)

10-206. Tags. It shall be the duty of the owner to attach such license tags to a collar which shall be worn at all times by each dog licensed, and in the event of the loss of such license tag, the city clerk shall issue a duplicate tag for which the owner shall pay the sum of one dollar (\$1.00), and said duplicate tags shall be forthwith attached to the dog collar, and at all times worn thereon, provided that the collar may be removed in cases of hunting dogs while in chase

or while in training. A dog tag shall not be transferable from one dog to another and no refunds shall be made on any dog license fee. (1980 Code, § 3-206)

10-207. Failure to pay license fee. It shall be unlawful for any person or owner to keep or harbor any dog or dogs for which a license fee on such dog or dogs has not been paid as required by this chapter. (1980 Code, § 3-207)

10-208. Dogs running at large prohibited; seizure of dogs.¹ It shall be unlawful for any person to allow a dog belonging to him or under his control to run at large, and any such person whose dog is found to be running at large shall be guilty of a misdemeanor and subject to the penalty provided in the general penalty clause for this code.

Any dog found running at large may be seized by the proper authorities of the city. A dog is considered to be running at large when said dog is off the premises of the owner and not under the control of the owner, either by leash, cord, chain, or otherwise; provided, however, a dog shall not be considered running at large when the dog is off the premises of the owner if said dog is accompanied by the owner and the owner has full command of the dog or the dog is a hunting dog and is in chase or in training and accompanied by a responsible person.

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 police officer. (1980 Code, § 3-208)

10-209. Impoundment of dogs; redemption by owner. When any dog is found running at large and is impounded, the owner, if the dog bears a tag, shall be sent by mail a notice addressed to the last known mailing address, to appear within seven days and redeem his dog or the same will be disposed of. If the owner appears to redeem his dog, he shall pay, for each dog so seized and impounded, an impoundment fee of \$7.50 and a boarding fee of \$2.50 per day or fraction thereof the dog remains unclaimed. If the dog so seized has not been vaccinated, the owner shall, before he is permitted to regain possession of such dog, have such dog vaccinated and licensed and present the license registration to the pound authority. (1980 Code, § 3-209)

¹State law reference

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

10-210. Disposition of unclaimed dogs.¹ (1) If, at the expiration of seven (7) days from the date notice is mailed to the owner of any dog found running at large which is wearing a tag, or at the expiration of two (2) days from the date of seizure of any dog not wearing a tag, such dog shall not have been redeemed or claimed, such dog may be disposed of as follows:

(a) Whenever any research institution shall apply to the city for permission to use for research purposes any impounded dog or dogs remaining unclaimed, the chief of police may, at his discretion, sell to the institution such unclaimed dogs as it has requested, provided, however, the city council shall determine the fee to be paid by said institution.

(b) Whenever any individual shall apply to the city for permission to adopt or buy any impounded dog or dogs remaining unclaimed, the chief of police may sell to the individual such unclaimed dogs or surrender such dogs to the individual for adoption upon payment of a fee set by the city council.

(c) Whenever any dog remains unclaimed, such dog may be destroyed in a manner to be determined by the chief of police.

(2) Any person who does not desire to pay the license fee imposed by this chapter upon any dog or dogs owned, kept, or harbored on premises owned by him, shall bring such dog or dogs to the pound operated by the city to be disposed of.

(3) Any unidentified dog which the chief of police, upon the advice of a licensed veterinarian, determines to be suffering from rabies or other infectious or dangerous diseases or to be in misery need not be released but may be disposed of immediately. (1980 Code, § 3-210)

10-211. Concealment of dogs. Any person who shall hide, conceal, or aid or assist in hiding or concealing of any dog owned, kept, or harbored in violation of any of the provisions of this chapter shall be guilty of a misdemeanor. (1980 Code, § 3-211)

10-212. 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. (1980 Code, § 3-212)

10-213. Authority to put dogs in pound. All police officers of the city shall have the authority to take up and put into the pound of the city any dog found in violation of any provision of this chapter. (1980 Code, § 3-213)

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).

10-214. Interfering with police officers. It shall be unlawful for any person to interfere with or hinder any police officer or other duly authorized person in the discharge or apparent discharge of his duty in enforcing the provisions of this chapter. (1980 Code, § 3-214)

10-215. Transportation of dogs. An owner transporting a dog through the city is exempt from the provisions of this chapter provided that such dog shall be securely confined or on a leash during its transportation through the city and provided further that such dog shall not remain in the city for more than thirty days. (1980 Code, § 3-215)

10-216. Vicious dogs to be kept in a secured fenced area. It shall be unlawful for any person to own or keep any pit bull or any other vicious dog know to be dangerous unless said dog is in a secured fenced area as to reasonably provide for the protection of other animals and persons.

It is a civil offense to fail to comply with the foregoing section. Any violation of this section is punishable by civil penalty of a fifty dollar (\$50.00) fine, plus court costs. Each day in violation shall constitute a separate offense. (as added by Ord. #06-06 Aug. 2006)