

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. IN GENERAL.
2. DOGS.
3. PIT BULLS.

**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. Impoundment of animals and fowls running at large.
- 10-108. Violation and penalty.

**10-101. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, rabbits, mules, goats, or any chickens, ducks, geese, turkeys, or other animals or fowl, either domesticated or non-domesticated, 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 under this chapter, whether or not the disposition includes returning the animal to its owner. (1994 Code, § 10-101)

**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 or place of business without the approval of the South Pittsburg Chief of Police. The South Pittsburg Chief of Police shall grant such approval only when in his sound judgment the keeping of such animals and/or fowls under the circumstances as set forth in the application for

---

<sup>1</sup>See also § 10-203 in this code for provisions prohibiting dogs specifically from running at large.

the permit will not injuriously affect the public health and welfare. (1994 Code, § 10-102)

**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. (1994 Code, § 10-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl of any kind 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 if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1994 Code, § 10-104)

**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. (1994 Code, § 10-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1994 Code, § 10-106)

**10-107. Impoundment of animals and fowls running at large.**<sup>1</sup> Any animal or fowl found running at large within the corporate limits shall be impounded by the health officer or police department. Immediately thereupon a notice of such impoundment shall be given to the owner if known. If the owner is not known or cannot be determined upon diligent inquiry a notice describing the impounded animal or fowl shall be posted in at least three public places within the corporate limits. The notice of impoundment shall advise the owner that he must claim his impounded animal or fowl and pay reasonable advertising, impoundment, and maintenance fees within five (5) days or such animal or fowl will be humanely destroyed, sold, or otherwise disposed of by the city.

The proceeds of any sale under this section shall be applied first to the payment of reasonable advertising, impoundment, and maintenance fees. The balance, if any, shall be paid to the owner of the animal or fowl, if known, otherwise to the general fund of the city. (1994 Code, § 10-107)

---

<sup>1</sup>This section does not apply to dogs. See § 10-206 for provisions dealing specifically with impoundment of dogs.

**10-108. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day the violation shall continue shall constitute a separate offense. (1994 Code, § 10-108, modified)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs and cats to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs or cats to be securely restrained.
- 10-205. Noisy dogs or cats prohibited.
- 10-206. Impoundment and/or destruction of dogs or cats.
- 10-207. Animals prohibited from city recreational parks.
- 10-208. Violation and penalty.
- 10-209. Vaccination penalty.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat within the corporate limits 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).

In addition to compliance with the state law, each person who owns, keeps, or harbors a dog or cat within the corporate limits shall submit evidence of such compliance and register his dog or cat with the city recorder. Upon such registration and payment of a five dollar (\$5.00) registration fee the recorder shall issue a registration certificate and tag for each dog or cat registered. (1994 Code, §-10-201)

**10-202. Dogs and cats to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1994 Code, § 10-202)

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. (1994 Code, § 10-203)

**10-204. 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 so confined and/or otherwise securely

---

<sup>1</sup>State law reference

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

restrained as reasonably to provide for the protection of other animals and persons. (1994 Code, § 10-204)

**10-205. Noisy dogs or cats prohibited.** No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, or howling, or other noises, annoys or disturbs the peace and quiet of any neighborhood. (1994 Code, § 10-205)

**10-206. Impoundment and/or destruction of dogs or cats.** Dogs or cats running at large will be impounded by city policemen and/or other designated city employees. If the owner of an impounded dog or cat can be identified after diligent inquiry such owner shall be notified by a postcard addressed to his last known address to appear within five (5) days and redeem his dog or cat by paying a pound fee or his dog or cat will be destroyed or otherwise disposed of in a humane manner. The pound fee referred to in this section shall be determined based on the following schedule:

Upon any impoundment of any dog or cat of the owner, the impoundment fee shall be fifty dollars (\$50.00) per day.

If the dog or cat is not wearing a tag, the dog or cat shall be destroyed unless legally claimed by the owner within five (5) days.

When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be impounded in reasonable safety such dog or cat may be summarily destroyed by any policeman or other authorized city employee. (1994 Code, § 10-206, as amended by Ord. #601, April 1998, Ord. #678, May 2006, and Ord. #713, Nov. 2009)

**10-207. Animals prohibited from city recreational parks.** It shall be unlawful for any person to bring into any city recreational park any dog, cat, or other animal, whether or not such animal is restrained, or to allow any dog, cat, or other animal owned by such person to be brought into any city recreational park. This section shall not apply to any dog which is trained for and used by any person who is visually impaired. (Ord. #617, Nov. 1999)

**10-208. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day the violation shall continue shall constitute a separate offense. (1994 Code, § 10-207, modified)

**10-209. Vaccination penalty.** Pursuant with Tennessee Code Annotated, § 68-8-109, all impounded dogs and cats must be vaccinated before release. A penalty of ten dollars (\$10.00) will be charged to dog and cat owners of impounded unvaccinated dogs and cats for escorting the animal to a veterinary clinic for vaccination prior to release. (1994 Code, § 10-208)

## CHAPTER 3

### PIT BULLS

#### SECTION

- 10-301. Definitions.
- 10-302. Restrictions.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Rebuttable presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalties.

**10-301. Definitions.** The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(1) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(2) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(3) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(4) "Pit bull" means and includes any of the following dogs:

- (a) The bull terrier breed of dog;
- (b) The Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs or pit bull terriers; and

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(5) "Predominantly" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harborer that the

dog is more than fifty percent (50%) pit bull. Predominantly also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(6) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(7) "Under restraint" means that the dog is secured by a leash, led under the control of a person physically capable of restraining the dog and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises. (as added by Ord. #687, June 2007)

**10-302. Restrictions.** It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of the City of South Pittsburg, Tennessee. Provided, however, that persons owning such dogs at the time this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-303, within thirty (30) days of the effective date of this chapter. (as added by Ord. #687, June 2007)

**10-303. Standards and requirements.** The following standards and requirements apply to pit bull dogs located within the corporate limits of the City of South Pittsburg, Tennessee.

(1) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city recorder.

(2) Leash. No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its kennel, pen, or other proper enclosure unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a pit bull dog 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 dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other proper enclosure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent such dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) Confinement. Except when leashed and muzzled as provided in this section, all pit bull dogs shall be securely confined indoors or confined in a locked pen, kennel, or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen

must be embedded in the ground no less than two feet (2'). All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the City of South Pittsburg, Tennessee. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

(5) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign must be posted on the kennel or pen of such animal.

(7) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the city recorder of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the city recorder.

(8) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the city recorder as required hereinafter:

- (a) The removal from the city or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the city. (as added by Ord. #687, June 2007)

**10-304. Sale or transfer of ownership prohibited.** No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of South Pittsburg, Tennessee unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of South Pittsburg, Tennessee. (as added by Ord. #687, June 2007)



**10-305. Animals born of registered dogs.** All offspring born of pit bull dogs within the City of South Pittsburg, Tennessee must be removed from the City of South Pittsburg, Tennessee within six (6) weeks of the birth of such animal. (as added by Ord. #687, June 2007)

**10-306. Rebuttable presumptions.** There shall be a rebuttable presumption that any dog registered within the City of South Pittsburg, Tennessee as a pit bull dog or any of those breeds defined by § 10-301 of this chapter is in fact a dog subject to the requirements of this code. (as added by Ord. #687, June 2007)

**10-307. Failure to comply.** It shall be unlawful for the owner, keeper, harborer, or possessor of a pit bull dog within the City of South Pittsburg, Tennessee to fail to comply with the provisions of this chapter. Any dog found to be the 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 South Pittsburg, Tennessee. (as added by Ord. #687, June 2007)

**10-308. Violations and penalties.** Any persons violating or permitting the violation of any provision of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to the fine prescribed in the general penalty clause of the South Pittsburg Municipal Code. Each day such violation shall continue constitutes a separate offense. In addition to the foregoing penalty, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this chapter. (as added by Ord. #687, June 2007)