

TITLE 10

ANIMAL CONTROL

CHAPTER

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CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
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- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals running at large.
- 10-108. Possession of class I exotic animals prohibited.

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. (1978 Code, § 3-101)

10-102. Keeping near a residence, business or public street restricted. No person shall keep, harbor or confine any animal or fowl enumerated in the preceding section within three hundred feet (300') of any residence, place of business, or public street except where a limited number of domestic chickens are kept, in which case, a total number not to exceed nine (9) hens and (1) rooster may be kept and maintained within one hundred feet (100') of any residence, place of business, or public street. (1978 Code, § 3-102, as amended by Ord. #4-98, June 1998, and replaced by Ord. #7-13, July 2013)

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. (1978 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. (1978 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. (1978 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. (1978 Code, § 3-106)

10-107. Seizure and disposition of animals running at large. The owner, if known, of any animal or fowl reported running at large will be contacted by a police officer and advised of the town ordinance prohibiting animals running loose and order the owner to contain the animal or fowl behind a fence or by leashing. The officer may, at his discretion, give the owner a warning or issue a citation for the offense.

If the owner is not known, the county humane officer will be contacted to come and pick up the animal or fowl. The humane officer shall take the animal or fowl to the county animal shelter for confinement until the animal or fowl is picked up by the owner or euthanized according to the shelter's policies. (1978 Code, § 3-107)

10-108. Possession of class I exotic animals prohibited. It shall be unlawful for any person to possess, transport, import, export, buy, sell, barter, propagate or transfer wildlife classified as Class I, pursuant to Tennessee Code Annotated, § 70-4-402, as amended. Any violation of this section shall be punishable as a misdemeanor and otherwise as provided by Tennessee Code Annotated, § 70-4-415. (1978 Code, § 3-108)

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. Vicious dogs.

10-205. Noisy dogs prohibited.

10-206. Seizure and disposition of dogs.

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. (1978 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. (1978 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. (1978 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. (1) Definition of terms:

(a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(b) "Vicious dog" means:

(i) 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

(ii) 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 chapter; or

¹State law reference

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

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

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

(v) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(c) 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. 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 (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) 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.

(4) 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.

(5) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of the ordinance comprising this section provide proof to the town recorder of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) insuring the owner for any personal injuries inflicted by his or her vicious dog.

(7) Penalties. Whoever violates any provision of this chapter shall be guilty of a gross misdemeanor and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt. (1978 Code, § 3-204, as replaced by Ord. #2-14, June 2014)

10-205. 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. (1978 Code, § 3-205)

10-206. Seizure and disposition of dogs. The health officer or any policeman may seize any dog found running at large in violation of this chapter.

When any unvaccinated or unregistered dog is seized, it shall not be released until it has been vaccinated and registered. Furthermore, no dog, whether vaccinated and registered or not, shall be released until the person seeking its release has paid all reasonable expenses incurred by the town in seizing and confining it.

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 the health officer or any policeman.¹ (1978 Code, § 3-206)

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).

CHAPTER 3

DANGEROUS DOGS

SECTION

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

10-301. Definitions. The words used in this chapter shall have the following definitions:

Pit Bull Dogs

- (1) The bull terrier breed of dog; and
- (2) Staffordshire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Staffordshire terrier breed of dog; and
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of 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. (1978 Code, § 3-301)

10-302. Unlawful to possess. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of White Pine, Tennessee, except that pit bull dogs located within the Town of White Pine, Tennessee on the effective date of this chapter may be kept therein upon strict compliance with the standards and requirements set forth in § 10-303. (1978 Code, § 3-302)

10-303. Standards and requirements. The following standards and requirements shall apply to pit bull dogs located within the corporate limits upon the effective date of this chapter.

- (1) Registration. Within ten (10) days of the effective date of this chapter each owner, keeper, harbinger, or possessor of a pit bull dog shall register such dog with the city recorder.

(2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet 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. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. 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 (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building ordinances and regulations of the Town of White Pine and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) 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.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall within ten (10) days of the effective date of this chapter 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 is required to be posted on the kennel or pen of such animal.

(6) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must within twenty (20) days of the effective date of this chapter provide proof to the White Pine City Recorder of public liability insurance in a single incident amount of \$50,000.00 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 White Pine City Recorder.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must within twenty (20) days of the effective date of this chapter provide to the city recorder two color photographs of the dog clearly showing the color and approximate size of the animal.

(8) 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 White Pine 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 city limits. (1978 Code, § 3-303)

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 Town of White Pine 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 Town of White Pine. (1978 Code, § 3-304)

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the Town of White Pine must be removed from the Town of White Pine within six (6) weeks of the birth of such animal. (1978 Code, § 3-305)

10-306. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the Town of White Pine as a pit bull dog or any of those breeds defined by § 10-301 hereof is in fact a dog subject to the requirements of this chapter. (1978 Code, § 3-306)

10-307. Failure to comply. It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the Town of White Pine 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 Town of White Pine. (1978 Code, § 3-307)

10-308. Violations and penalties. Any persons violating or permitting the violation of any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to the fine as prescribed in the general penalty clause for this code. Each day such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the Town of White Pine. Should the defendant refuse to remove the dog from the Town of White Pine, the city court judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, 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. (1978 Code, § 3-308)