

**TITLE 10****ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. VICIOUS DOGS.

**CHAPTER 1****IN GENERAL****SECTION**

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**10-101. Definitions.** As used in this chapter, the following terms shall have the meaning ascribed to them here:

- (1) "Animal." Any live, vertebrate creature, domestic or wild.
- (2) "Animal shelter." Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.
- (3) "Auctions." Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.
- (4) "Circus." A commercial variety show featuring animal acts for public entertainment.
- (5) "Commercial animal establishment." Any pet shop, groomingshop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.
- (6) "Grooming shop." A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

(7) "Humane officer."<sup>1</sup> Any person designated by the State of Tennessee, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

(8) "Kennel." Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

(9) "Owner." Any person, partnership, or corporation owning, keeping, or harboring one or more animals. Any animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

(10) "Performing animal exhibition." Any spectacle, display, act, or event other than circuses, in which performing animals are used.

(11) "Pet." Any animal kept for pleasure rather than utility.

(12) "Pet shop." Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animal.

(13) "Public nuisance." Any animal which:

(a) Molests passersby or passing vehicles;

(b) Attacks other animals;

(c) Trespasses on school grounds;

(d) Is repeatedly at large;

(e) Damages private or public property;

(f) Barks, whines, or howls in an excessive, continuous, or untimely fashion.

(14) "Restraint." Securing any animal by a leash or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

(15) "Riding school or stable." Any place which has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro.

(16) "Veterinary hospital." Any establishment maintained and operated by a licensed veterinarian for surgery and diagnosis and treatment of diseases and injuries of animals.

(17) "Vicious animal." Any animal or animals that constitute a physical threat to human beings or other animals.

(18) "Wild animal." Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warmblooded animal which can normally be found in the wild state.

(19) "Zoological park." Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency. (1989 Code, § 3-101)

**10-102. Licensing of dogs and cats.** (1) Any person owning, keeping, harboring, or having custody of any dog or cat over three months of age within the town must obtain a license as herein provided.

(2) Written application for licenses shall be made to the licensing authority, which shall include name and address of applicant, description of the

animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.

(3) If not revoked, licenses for the keeping of dogs and cats shall be for a period of up to one year.

(4) Application for a license must be made within thirty days after obtaining a dog or cat over three months of age, except that this requirement will not apply to a non-resident keeping a dog or cat within the town for no longer than sixty days.

(5) License fees shall not be required for seeing eye dogs or governmental police dogs.

(6) Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags shall be fastened or riveted to the animal's collar or harness.

(7) Dogs and cats must wear identification tags or collars at all times when off the owner's premises.

(8) The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(9) The licensing period shall begin with the calendar year and shall run for one year. Application for license may be made from January 1 to January 31.

(10) A license shall be issued after payment of the following fee:

(a) dogs . . . . \$6.00 per year, prorated at \$.50 per month.

(b) cats . . . . \$3.00 per year, prorated at \$.25 per month.

(11) A duplicate license may be obtained upon payment of a \$.50 replacement fee.

(12) No person may use any license for any animal other than the animal for which it was issued. (1989 Code, § 3-102)

**10-103. Permits for kennels, etc.** (1) No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

(2) The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(3) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the licensing authority, a permit shall be issued upon payment of the applicable fee.

(4) The permit period shall begin with the calendar year and shall run for one year. Renewal applications for permits shall be made thirty days prior to, and up to sixty days after, the start of the calendar year. Application for permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time.

(5) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$10.00 transfer fee.

(6) Annual permits shall be issued upon payment of the applicable fee:

(a) For each kennel authorized to house

	less than 10 dogs or cats . . . . .	\$ 25
(b)	For each kennel authorized to house 10 or more but less than 50 . . . . .	\$ 50
(c)	For each kennel authorized to house 50 or more dogs or cats . . . . .	\$100
(d)	For each pet shop . . . . .	\$ 75
(e)	For each riding stable . . . . .	\$ 75
(f)	For each auction . . . . .	\$ 50
(g)	For each zoological park . . . . .	\$100
(h)	For each circus . . . . .	\$ 25
(i)	For each performing animal exhibition . . . . .	\$ 50
(j)	For each grooming shop . . . . .	\$ 50

(7) Every facility regulated by this section shall be considered a separate enterprise and shall require an individual permit.

(8) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

(9) No fee may be required of any veterinary hospital, animal shelter, or government-operated zoological park.

(10) Failure to obtain a permit before opening any facility covered in this section shall be a misdemeanor.

(11) Any person who has a change in the category under which a permit was issued shall be subject to reclassification, and appropriate adjustment of the permit fee shall be made. (1989 Code, § 3-103)

**10-104. License and permit issuance and revocation.** (1) The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals.

(2) Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored by such person, and no part of the permit or license fee shall be refunded.

(3) It shall be a condition of the issuance of any permit or license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.

(4) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.

(5) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(6) Any person having been denied a license or permit may not reapply for a period of thirty days. Each reapplication shall be accompanied by a \$10.00 fee. (1989 Code, § 3-104)

**10-105. Restraint.**<sup>1</sup> (1) All dogs shall be kept under restraint.

(2) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 44-8-408, 68-6-108 and 68-8-109.

(3) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(4) Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. (1989 Code, § 3-105)

**10-106. Impoundment and violation notice.** (1) Unrestrained dogs and nuisance animals shall be taken by the police, animal control officers, or humane officers and impounded in an animal shelter and there confined in a humane manner. A humane officer authorized to enforce this chapter, may, while in pursuit of a dog that is off its owner's property, chase the dog onto any private property and retrieve the dog and impound it.

(2) Impounded dogs and cats shall be kept for not less than five working days if they are tagged, and untagged dogs shall be kept three working days.

(3) 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.

(4) An owner reclaiming an impounded animal shall pay a fee according to the following schedule:

Registered dogs . . . . .	\$10.00
Registered cats . . . . .	\$ 5.00
Unregistered dogs . . . . .	\$20.00
Unregistered cats . . . . .	\$10.00

(5) In addition to impoundment fees, a \$2.00 per day board fee shall be paid by the owner of the animal.

(6) For each successive offense, offenders shall pay an additional fee of \$10.00 for registered dogs and \$20.00 for unregistered dogs, and \$5.00 for registered cats and \$10.00 for unregistered cats.

<u>Registered</u>	<u>Unregistered</u>
<b>FIRST OFFENSE:</b>	
Dogs--\$10.00 + \$2.00 per day board	\$20.00 + \$2.00 per day board
Cats--\$ 5.00 + \$2.00 per day board	\$10.00 + \$2.00 per day board
<b>SECOND OFFENSE:</b>	
Dogs--\$20.00 + \$2.00 per day board	\$40.00 + \$2.00 per day board
Cats--\$10.00 + \$2.00 per day board	\$20.00 + \$2.00 per day board

For the third offense within a twelve month period, the offender shall be cited to town court.

(7) In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer, or police officer may issue to the known owner of such animal a notice of violation. Such notice shall impose upon the owner a penalty of \$10 which may, at the discretion of the animal owner, be paid to any agency designated by the licensing authority within seventy-two hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a warrant shall be initiated before a magistrate and upon conviction of a violation of this chapter,

the owner shall be punished as provided in the general penalty clause for this code of ordinances.

(8) The owner of an impounded animal may also be proceeded against for violation of this chapter.

(9) The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve month period. (1989 Code, § 3-106)

**10-107. Animal care.** (1) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(2) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, 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 shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.

(5) Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than twenty-five to a single purchaser.

(6) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(7) 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 possible 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 or to the local humane society.

(8) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his property common rat poison mixed only with vegetable substances. (1989 Code, § 3-107)

**10-108. Keeping of wild animals.** (1) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(2) No person shall keep or permit to be kept any wild animal as a pet.

(3) The licensing authority may issue a temporary permit for the keeping, care, and protection of an infant animal native to this area which has been deemed to be homeless.

(4) The licensing authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival. (1989 Code, § 3-108)

**10-109. Keeping near a residence or business restricted.** No person shall keep any animal or fowl 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. (1989 Code, § 3-109)

**10-110. 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 to 68-8-114) or other applicable law. (1989 Code, § 3-110)

**10-111. 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. (1989 Code, § 3-111)

**10-112. Performing animal exhibitions.** (1) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(2) All equipment used on a performing animal shall fit properly and be in good working condition. (1989 Code, § 3-112)

**10-113. Animal waste.** The owner of every animal, or in the case of horses, the rider or driver, shall be responsible for the immediate removal of any excreta deposited by his animal(s), and it shall be the responsibility of holder to provide the proper collection bags for animal droppings and to take the necessary steps to keep all public walks, streets, alleys, and recreation areas, or private property in the Town of Oliver Springs cleared of animal droppings. Any person who refuses to comply with this section shall be fined not less than fifty dollars (\$50.00) for each offense. (1989 Code, § 3-113, as amended by Ord. #99-04-03, March 1999)

**10-114. Sterilization.** No unclaimed dog or cat shall be released for adoption without being sterilized, or without written agreement from the adopter guaranteeing that such animal be sterilized. (1989 Code, § 3-114)

**10-115. Enforcement.** This chapter shall be enforced by those persons or agencies designated by the town council. It shall be a violation of this chapter to interfere with a humane officer in the performance of his duties. (1989 Code, § 3-115)

**10-116. Penalties.** Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor. If any person is found guilty of violating § 10-108, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued. (1989 Code, § 3-116)

**10-117. Placement and duties of humane officer.** The humane officer will be placed in the police department for administration and supervision under the chief of police or his subordinate officer. The humane officer's primary duties will be the apprehension of dogs and cats and the maintenance of the town pound and record keeping; however, during periods of low activity due to a lack of animals to apprehend, the humane officer will be available to perform duties as determined by the chief of police or town administrator. (1989 Code, § 3-117)

## CHAPTER 2

### VICIOUS DOGS

#### SECTION

10-201. Vicious dogs.

10-202. Noisy dogs prohibited.

10-203. Confinement of dogs suspected of being rabid.

10-204. Destruction of vicious or infected dogs running at large.

**10-201. Vicious dogs.** (1) Definitions. (a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

(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

(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; or

(v) Any dog that frequently or habitually snarls or growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys, or public places of the town.

(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. All such pens or structure 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 no longer than six (6) feet in length, 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. (1989 Code, § 3-201)

**10-202. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1989 Code, § 3-202)

**10-203. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1989 Code, § 3-203)

**10-204. Destruction of vicious or infected dogs running at large.** 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 policeman or other properly designated officer.<sup>1</sup> (1989 Code, § 3-204)

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<sup>1</sup>State 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).