

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
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3. DANGEROUS DOGS.
4. BACKYARD CHICKENS.

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. Seizure and disposition of animals.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any backyard 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.

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 of this chapter, whether or not the disposition includes returning the animal to its owner. (2004 Code, § 10-101, as amended by Ord. #2017-013, Nov. 2017 *Ch1_02-13-24*)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (1,000') of any residence, or place of business except for backyard chickens as per title 10 animal control, chapter 4 (2004 Code, § 10-102, as replaced by Ord. #2017-013, Nov. 2017 *Ch1_02-13-24*)

¹Municipal code reference

Animals on sidewalks: § 16-111.

Anti-noise regulations: § 11-401(1)(d).

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 (2004 Code, § 10-103)

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. (2004 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. (2004 Code, § 10-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (2004 Code, § 10-106)

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 any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by certified mail, return receipt requested. 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 board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (2004 Code, § 10-107)

CHAPTER 2

DOGS AND CATS¹

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs and cats to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Noisy dogs and cats prohibited.
- 10-205. Confinement of dogs suspected of being rabid.
- 10-206. Seizure and disposition of dogs and cats.
- 10-207. Destruction of vicious or infected dogs and cats running at large.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat 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. (2004 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. (2004 Code, § 10-202)

10-203. Running at large prohibited.² 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. Dogs must be securely leashed or chained any time when outside the building, structure, corral, pen, or enclosure in which they are kept. This provision applies whether or not the dog is on the owners premises, and includes dogs which are in open vehicles such as, but not limited to, all-terrain vehicles, trucks, jeeps, trailers, etc., or in the open cargo space of these vehicles.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (2004 Code, § 10-203)

¹Municipal code reference

Anti-noise regulations: § 11-401(1)(d).

²State law reference

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

10-204. Noisy dogs and cats prohibited. No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, meowing, or howling, disturbs the peace and quiet of any neighborhood. (2004 Code, § 10-204)

10-206. 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 in the county pound or at a licensed veterinary clinic for such time as is necessary to determine, by a qualified person, if such dog is rabid. (2004 Code, § 10-205)

10-206. Seizure and disposition of dogs and cats. Any dog or cat found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog or cat is wearing a tag the owner shall be notified in person, by telephone, or by certified mail, return receipt requested, to appear within five (5) days and redeem his dog or cat by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog or cat will be sold or humanely destroyed. If the dog or cat is not wearing a tag it shall be sold or humanely destroyed or sold unless legally claimed by the owner within five (5) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and had a tag evidencing such vaccination placed on its collar. (2004 Code, § 10-206)

10-207. Destruction of vicious or infected dogs and cats running at large. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any police officer¹ or other properly designated officer. (2004 Code, § 10-207)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of *Darnell v. Shapard*, 156 Tenn. 544, 3 S.W. 2d 661 (1927).

CHAPTER 3

DANGEROUS DOGS

SECTION

10-301. Definitions.

10-302. Unconfined dangerous dog on premises of owner.

10-303. Dangerous dog off premises.

10-304. Dog fighting and attack dogs.

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10-306. Insurance.

10-307. Canine Corps excluded.

10-301. Definitions. As used in this section:

(1) "Dangerous dog" means:

(a) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or

(b) Any dog which, without provocation, attacks or bites a human being or domestic animal; or

(c) 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

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

(2) "Owner" means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

(3) A dangerous dog is "unconfined" if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (2004 Code, § 10-301)

10-302. Unconfined dangerous dog on premises of owner. The owner of a dangerous dog shall not tolerate or permit such a dog to go unconfined. (2004 Code, § 10-302)

10-303. Dangerous dog off premises. The owner of a dangerous dog shall not suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely

restrained and muzzled, 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. (2004 Code, § 10-303)

10-304. Dog fighting and attack dogs. 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 and encouraging the dog to attack human beings or domestic animals. (2004 Code, § 10-304)

10-305. Signs to be displayed. Pursuant to Article VII, Section 3, of the Zoning Ordinance, the owner of a dangerous dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. (2004 Code, § 10-305)

10-306. Insurance. Owners of dangerous dogs must provide proof of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any person's injuries inflicted by his or her dangerous dog. (2004 Code, § 10-306, modified)

10-307. Canine Corps excluded. Nothing in this chapter shall apply to the Canine Corps of a local, state, or federal law enforcement agency or a private security agency licensed in Tennessee. (2004 Code, § 10-307)

CHAPTER 4

BACKYARD CHICKENS

SECTION

- 10-401. Purpose.
- 10-402. Conditions and requirements.
- 10-403. On-site slaughtering prohibited.
- 10-404. Storage of chicken feed.
- 10-405. Storage of chicken waste.
- 10-406. Other private rules may apply.
- 10-407. Conflict with other ordinances, rules, or regulations.
- 10-408. Enforcement and violation of this chapter.

10-401. Purpose. The purpose of this chapter is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The town recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This chapter is intended to create permit standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. (as added by Ord. #2017-013, Nov. 2017 *Ch1_02-13-24*)

10-402. Conditions and requirements. It shall be unlawful to place or maintain backyard chickens in any area unless the following conditions and requirements are met:

(1) Backyard chickens are an accessory use in conjunction with a single-family residential use. If the applicant is not the owner of the residence then the applicant shall secure written permission from the owner of the property. Existing or agricultural poultry operations will be exempt from this chapter.

(2) A backyard chicken permit must be approved by the designated officer or official appointed by the mayor and confirmed board of mayor and aldermen. A nonrefundable application fee shall be submitted with the backyard chicken permit application. The board of mayor and aldermen shall set the amount of such fee.

(3) No more than five (5) backyard chickens are permitted for each single family dwelling.

(4) A privacy fence not less than six feet (6') in height and constructed of appropriate materials consistent with the neighborhood in which the property

is located shall enclose the area where the backyard chickens are maintained with the effect that the backyard chickens, chicken coop and chicken run shall not be visible from the roadway fronting the property.

(5) Roosters are prohibited.

(6) Backyard chickens are required to be located within a designated chicken coop and chicken run that shall meet the following requirements:

(a) The chicken coop and chicken run shall be located in the rear yard of the residence or opposite from the front yard for corner lots.

(b) The coop shall have a minimum ten feet (10') setback from any side or rear property line.

(c) Coops shall be predator resistant with a solid covered roof.

(d) Water shall be provided onsite and accessible to chickens at all times.

(e) During daylight hours, the chickens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.

(i) From dusk until dawn, chickens shall be protected from predators by being enclosed within a chicken coop. The maximum chicken coop size is one hundred (100) square feet. A minimum of four (4) square feet of space per chicken shall be provided in both the coop and the run. The maximum height of a coop shall be no more than seven feet (7') at the highest point of the roof.

(ii) No chickens, coop or run shall be located on properties occupied by duplexes, multiple family dwellings, or apartment units.

(iii) Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste and not constitute a safety hazard or health problem to surrounding properties. (as added by Ord. #2017-013, Nov. 2017 ***Ch1_02-13-24***)

10-403. On-site slaughtering prohibited. No on-site slaughtering is allowed. (as added by Ord. #2017-013, Nov. 2017 ***Ch1_02-13-24***)

10-404. Storage of chicken feed. Chicken feed shall be stored in a resealable, airtight, predator proof container. (as added by Ord. #2017-013, Nov. 2017 ***Ch1_02-13-24***)

10-405. Storage of chicken waste. Chicken waste shall only be stored in a resealable, airtight, predator proof container. (as added by Ord. #2017-013, Nov. 2017 ***Ch1_02-13-24***)

10-406. Other private rules may apply. Many home owner association bylaws, restrictions, or covenants do not allow poultry of any kind. The Town of

Rossville encourages residents to research any individual home owner association regulations. (as added by Ord. #2017-013, Nov. 2017 *Ch1_02-13-24*)

10-407. Conflict with other ordinances, rules, or regulations. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance, rule, or regulation of the town, state, or county, the most restrictive shall in all cases apply. (as added by Ord. #2017-013, Nov. 2017 *Ch1_02-13-24*)

10-408. Enforcement and violation of this chapter. The provisions of this ordinance shall be administered and enforced by the designated officer or official appointed by the board of mayor and aldermen who shall have the power to make inspection of any premises necessary to carry out the duties in the enforcement of this chapter of the municipal code. (as added by Ord. #2017-013, Nov. 2017 *Ch1_02-13-24*)